

Register Federal

THURSDAY, MARCH 18, 1976



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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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federal register

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882	9997
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Title 3—The President

PROCLAMATION 4422

National Day of Prayer, 1976

By the President of the United States of America

A Proclamation

In this Bicentennial year, we will often reflect on the events of 200 years ago. As we recall the crises of those early days, let us also reflect on the profound faith in God which inspired the founding fathers.

As the events of 1776 unfolded, our forebears knew they were on an uncertain course. On March 16 of that year, the Continental Congress, recognizing the "impending calamity and distress," asked each colony "publicly to acknowledge the over-ruling Providence of God," and urged the Colonists to observe a designated Friday in May as a day of "humiliation, fasting, and prayer."

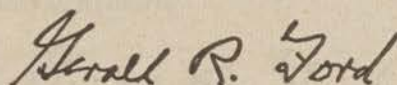
When later that year, the signers of the Declaration of Independence pledged to each other their lives, their fortunes, and their sacred honor, the pledge was made "with a firm reliance on the protection of divine Providence."

In conformity with a Congressional request (66 Stat. 64), it is especially appropriate this year that a day be set aside to reaffirm the commitment of our first citizens and draw on the "solemn sense of God's superintending Providence" that sustained them during those troubled times.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim Friday, May 14, 1976, as National Day of Prayer, 1976.

I call upon all Americans to pray that day, each in his or her own way, for the strength to meet the challenges of the future with the same courage and dedication Americans showed the world two centuries ago.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of March, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.



[FR Doc.76-7960 Filed 3-16-76;4:32 pm]

presidential documents

THE 32nd President

PROCLAMATION 1437

National Day of Prayer, 1936

By the President of the United States

A Proclamation

It is the duty of the President of the United States to call upon the people of this country to observe a National Day of Prayer, and to urge them to observe it as a day of prayer for the peace and prosperity of our country and the world.

At the request of the National Council on Religion and Public Affairs, the President has deemed it his duty to call upon the people of this country to observe a National Day of Prayer, and to urge them to observe it as a day of prayer for the peace and prosperity of our country and the world.

It is the duty of the President of the United States to call upon the people of this country to observe a National Day of Prayer, and to urge them to observe it as a day of prayer for the peace and prosperity of our country and the world.

It is the duty of the President of the United States to call upon the people of this country to observe a National Day of Prayer, and to urge them to observe it as a day of prayer for the peace and prosperity of our country and the world.

It is the duty of the President of the United States to call upon the people of this country to observe a National Day of Prayer, and to urge them to observe it as a day of prayer for the peace and prosperity of our country and the world.

It is the duty of the President of the United States to call upon the people of this country to observe a National Day of Prayer, and to urge them to observe it as a day of prayer for the peace and prosperity of our country and the world.

It is the duty of the President of the United States to call upon the people of this country to observe a National Day of Prayer, and to urge them to observe it as a day of prayer for the peace and prosperity of our country and the world.

Memorandum of March 16, 1976

Import Relief Determination Under Section 202(b) of the Trade Act

Memorandum for the Special Representative for Trade Negotiations

THE WHITE HOUSE,
Washington, March 16, 1976.

Pursuant to Section 202(b) (1) of the Trade Act of 1974 (P.L. 93-618, 88 Stat. 1978), I have determined the actions I will take with respect to the report of the United States International Trade Commission (USITC) dated January 16, 1976, concerning stainless and alloy tool steel (also referred to as specialty steel).

I have determined that import relief is to be provided to permit the industry to recover from its recent depressed operating levels and high unemployment rates.

I have decided to seek orderly marketing agreements in order to work with the principal nations involved, resolving the immediate problems of our domestic industry in a manner which meets the special concerns of each of the nations affected, while injury to the domestic industry is remedied.

I am directing you to negotiate orderly marketing agreements with supplying countries. It is intended that these agreements limit imports, of those stainless and alloy tool steel items covered by such agreements, to recent levels while the domestic industry recovers from the high unemployment and depressed operating levels of 1975. If satisfactory orderly marketing agreements are not negotiated successfully, I will proclaim import quotas for a period of three years to take effect on or before June 14, 1976. The quotas would be set at overall levels (but not necessarily the product category or country levels) comparable to those recommended by the USITC.

This relief will be reduced or discontinued at such time as I determine, with the advice of the USITC and Secretaries of Labor and Commerce, that the industry is regaining healthy production and employment levels.

To assist the large number of workers who have been laid off, I have directed the Secretary of Labor to expedite processing of applications for trade adjustment assistance. The income benefits of such assistance for these unemployed workers should reduce the hardships suffered, particularly in cases where unemployment benefits have expired.

In addition to the above actions to be taken under Section 203 of the Trade Act of 1974, I am directing you, in the Multilateral Trade Negotiations, to negotiate solutions on a sectoral basis to the problems of cyclical distortions in steel trade, while liberalizing the conditions of this trade.

This determination is to be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.76-7983 Filed 3-17-76;8:59 am]

Washington, March 14, 1935

My dear Mr. [Name]:

I have just received your letter of the 12th inst.

and am glad to hear from you.

Very truly yours,

Enclosed for you are two copies of the report of the Committee on the Administration of the Government, which I have just received from the Secretary of the Senate. I have also enclosed for you a copy of the report of the Committee on the Administration of the Government, which I have just received from the Secretary of the Senate.

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I have also enclosed for you a copy of the report of the Committee on the Administration of the Government, which I have just received from the Secretary of the Senate.

Very truly yours,

Wm. H. Taft

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15457; Amdt. No. 11-13]

PART 11—GENERAL RULE-MAKING PROCEDURES

Processing of Petitions for Medical Exemptions

The purpose of this amendment to Part 11 of the Federal Aviation Regulations is to amend § 11.43 to reflect the authority delegated to the Federal Air Surgeon, Office of Aviation Medicine, for the processing of petitions for exemption from Part 67.

By Amendment 11.11 to Part 11, effective March 29, 1971, the Federal Air Surgeon was delegated authority to grant and deny petitions for exemption from the provisions of Part 67. Appropriate changes were made to §§ 11.15 and 11.53 to reflect that delegation. However, a related change to § 11.43 was inadvertently omitted. Accordingly, § 11.43 is amended consistent with Amendment 11-11 to make the procedures specified in that section applicable to petitions for exemption from Part 67.

Since this amendment is procedural in nature, notice and public procedure thereon are unnecessary and good cause exists for making this amendment effective on less than 30 days notice.

This amendment is made under the authority of §§ 313(a) and 601(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421(c)), and § 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, § 11.43 of the Federal Aviation Regulations is amended effective March 18, 1976, to read as follows:

§ 11.43 Processing of petitions for rule making or exemption from parts of this chapter.

Whenever the FAA receives a petition for rule making or for an exemption, a copy of the petition is referred for action, as provided in § 11.27, to the Office or Service having substantive responsibility for the subject involved.

Issued in Washington, D.C., on March 8, 1976.

JOHN McLUCAS,
Administrator.

[FR Doc. 76-7463 Filed 3-17-76; 8:45 am]

[Airworthiness Docket No. 76-SW-10;
Amdt. 39-2554]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 205A-1 Helicopters

It has been determined that some fire extinguisher discharge cartridges (squibs), P/N 13083-45, manufactured by HTL Industries, may be defective. These cartridges are used in the engine fire extinguisher system of the Bell Model 205A-1 helicopter. Since a defective cartridge would prevent the function of a system required for safety, and this condition is likely to exist in Bell Model 205A-1 helicopters now in service, an airworthiness directive is being issued to require replacement of these cartridges on all applicable helicopters.

The 25-hour compliance time for the replacement of defective cartridges has been established by the agency on the basis of safety considerations and is the same as that recommended by the manufacturer in the associated service bulletin. This compliance time provides the lead time for operators to schedule and plan compliance with the AD with a minimum burden. If the replacement activity required by this AD were to be handled under the usual notice and public procedures followed by the agency within the time the agency has determined is required in the interest of safety, it would be necessary to reduce the compliance time for the replacement activity prescribed by this AD. This would leave the operators insufficient time to schedule helicopters for compliance with the AD. In view of the foregoing, accomplishment of the replacement activity required by this AD within the time the agency has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable. Therefore, this amendment will become effective on April 19, 1976. Interested persons are invited to submit such written data, views, or comments as they may desire regarding the AD. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received before the effective date will be considered by the Administrator, and the AD may be changed in the light of comments received. All comments will be available both before and after the

effective date in the Rules Docket for examination by interested persons. Comments should be submitted as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL: Applies to Model 205A-1 helicopters, Serial Numbers 30001 through 30196, certified in all categories.

Compliance required within the next 25 hour's time in service after the effective date of this AD, unless already accomplished.

(a) Gain access to the engine fire extinguisher discharge cartridge, P/N 13083-45, mounted on the fire extinguisher agent container, as necessary, to determine if the legend "1272" is stamped on one of the hexagonal flats on the cartridge body. If this legend is found, proceed as follows:

(1) Disconnect the circuit breaker for the fire extinguisher system circuit.

(2) Disconnect aircraft wiring from the fire extinguisher discharge wiring.

(3) Using a short length of wire (safety wire is suitable), connect the actuation pin to the ground stud.

(4) Identify the 1/4" hexagonal nut into which the cartridge is threaded. Use an appropriate wrench to prevent this nut from turning and remove the cartridge from the nut. Leave the wire specified in item (3) attached on the cartridge terminals to prevent inadvertent detonation by static electricity.

(5) Attach a connecting wire as described in step (3) above to a suitable replacement cartridge and install the cartridge into the 1/4" hexagonal nut from which the defective cartridge was removed.

(6) Tighten the new cartridge to 90-100 inch pounds and lockwire to the 1/4" hexagonal nut.

(7) Remove the pin-to-stud connecting wire and reconnect aircraft wiring. Close the circuit breaker.

(b) If initial inspection of the cartridge reveals that the cartridge is not from the lot marked "1272," no further action is required to comply with this AD.

Completion of Steps 1, 2, and 4 of Bell Helicopter Service Bulletin No. 205-75-7, dated November 5, 1975, or later approved revision, will satisfy the requirements of this AD.

Equivalent methods of compliance with this airworthiness directive must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

This amendment becomes effective April 26, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Texas on March 8, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc. 76-7678 Filed 3-17-76; 8:45 am]

[Docket No. 75-NW-22-AD; Amdt. 39-2550]

PART 39—AIRWORTHINESS DIRECTIVES
Boeing 707-300/400/300B/300C Series
Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations, Amendment 39-1897 AD 74-15-03 to require repetitive inspections of the upper wing skin at WBL 59.24 on Boeing 707-300/400/300B/300C series airplanes was published in 40 FR 5922.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Two commenters objected to the 4,000 flight reinspections and recommended 5,000 flights instead. Based on crack growth data and service experience, FAA agrees with the 5,000 flight reinspection interval and the AD so states.

One commentator requested the approval of an ultrasonic method of inspection. The original AD already has an alternate provision for ultrasonic inspections at a 200 flight interval. The commentator did not supply any data substantiating a longer inspection interval. The ultrasonic inspection method used in this instance, i.e., Boeing Service Bulletin No. 3168, does not warrant a longer inspection interval. Upon receipt of substantiating data, the Chief, Engineering and Manufacturing Branch, FAA Northwest Region will evaluate an alternate inspection method.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of the Federal Aviation Regulations, Amendment 39-1897, AD 74-15-03, is amended as follows:

§ 39.13 [Amended]

1. Add to the end of the paragraph preceding paragraph (1): "Repetitive inspections are noted in paragraph (3) and terminating action is noted in paragraph (4)".

2. Delete the last sentence of paragraph (1) (a).

3. Add paragraphs (3) and (4) as follows:

(3) Repetitive inspections are to be accomplished at the times specified in (a) or (b) below, in accordance with the eddy current inspection procedures of Boeing Service Bulletin No. 3168, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Wing skins found cracked are to be repaired prior to further flight in accordance with

Boeing Service Bulletin No. 3168 or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Thereafter reinspect at intervals not to exceed those specified in (a) below.

(a) For airplanes which have been modified in accordance with Boeing Service Bulletin No. 2626, following the inspection required by paragraph (1) (a), reinspect at intervals not to exceed 2,000 flights.

(b) For airplanes which have not been modified in accordance with Boeing Service Bulletin No. 2626, inspect within 5,000 flights after accomplishment of the hole oversizing and eddy current inspections required by paragraph (1) (a) and at intervals thereafter not to exceed 2,000 flights.

(4) Replacement of the upper wing skin in accordance with Boeing Service Bulletin No. 2607, or incorporation of Boeing Service Bulletin No. 2427 Part Xa, or modifications approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region constitutes terminating action for this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a) (1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 21, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington March 8, 1976.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

C. B. WALK, Jr.,
Director,
Northwest Region.

[FR Doc. 76-7465 Filed 3-17-76; 8:45 am]

[Docket No. 14879; Amdt. 39-2555]

PART 39—AIRWORTHINESS DIRECTIVES
Britten Norman Ltd. BN-2A and BN-2A
Mark III Airplanes

A proposed to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and alteration, as necessary, of the seat locking mechanism on BN-2A and BN-2A Mark III airplanes to avoid the inadvertent in-flight release of the seat locking mechanism was published in the FEDERAL REGISTER on August 6, 1975 (40 FR 33051).

Interested persons have been afforded the opportunity to participate in the making of the amendment. No objections were received. However, paragraphs (b) and (c) have been amended to make clear that if damaged or short pawls are found, corrective action must be taken before further flight.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITTEN NORMAN LTD.: Applies to BN-2A and BN-2A Mark III airplanes certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent inadvertent release of the pilots' seats in the seat tracks, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, inspect the pilots' seats locking mechanism (Alar P/N NB-99-H-007, or Jetseats P/N JS 114) for damage and for short pawls, in accordance with paragraph Nos. 1, 2, 3, and 4 of the section titled "Inspection" of Britten Norman Ltd. Service Bulletin No. BN-2/SB.71, dated June 12, 1974, or an FAA-approved equivalent.

(b) If seats with damaged locking parts are found, before further flight, remove damaged parts and install serviceable parts of the same part numbers, or FAA-approved equivalents.

(c) If seats with short pawls are found, before further flight, lock the seats in place in accordance with paragraph 5a. of the section titled "Inspection" of Britten Norman Ltd. Service Bulletin No. BN-2/SB.71, dated June 12, 1974, or an FAA-approved equivalent, until compliance with paragraph (d) of this AD is accomplished.

(d) Within the next 100 hours' time in service after the effective date of this AD, modify seats with short pawls in accordance with paragraph 5b. of section titled "Inspection" of Britten Norman Ltd. Service Bulletin No. BN-2/SB.71, dated June 12, 1974, or an FAA-approved equivalent.

This amendment becomes effective on April 19, 1976.

Issued in Washington, D.C., on March 9, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 76-7466 Filed 3-17-76; 8:45 am]

[Docket No. 76-GL-4; Amdt. 39-2545]

PART 39—AIRWORTHINESS DIRECTIVES
Enstrom Models F-28A and 280

There have been reports of failure of the upper tail cone attaching bolt that could affect tail rotor control. One of the bolts analyzed indicated a fatigue failure. Failures may have been precipitated by an out-of-balance of the tail rotor assembly indicating a high-frequency vi-

bratory input. Abnormal vibration in the drive belt system can also be a contributing factor. Since this condition may exist in other helicopters of the same type design, an Airworthiness Directive is being issued to require replacement of the tail cone AN bolts with a stronger NAS type bolt on Estrom F-28A and 280 helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 C.F.R. 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive.

ENSTROM: Applies to Enstrom Model F-28A and 280 helicopters certified in all categories with the following serial numbers: F-28A Models—S/N 03 through 347; 280 Models—S/N 1001 through 1030.

Compliance required as indicated unless already accomplished:

(a) Within the next ten (10) hours time in service after the effective date of this AD remove the three (3) tail cone attach bolts and perform a dye penetrant inspection of the bolts for fatigue cracks or an equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch of the Federal Aviation Administration, Great Lakes Region.

NOTE: Particular attention should be given to the threaded area and the radius under the base of the bolt head.

(b) Replace any defective bolts with a new bolt of the same part number or a stronger equivalent listed in paragraph (d) prior to further flight.

(c) Tail cone bolts of the original design shall be inspected again at 50 hours from the inspection required in paragraph (a) unless replaced with the stronger bolts as listed in paragraph (d).

(d) Within 110 hours time in service from the effective date of this AD unless already accomplished replace the three (3) AN bolts attaching the tail cone with the following NAS bolts: Upper attachment point—NAS-146DH-24 bolt; Lower attachment points—NAS146DH-22 bolt. MS20002C6 washers are to be installed under the head. Care should be exercised to insure that the proper bolt grip length is maintained.

(e) Torque bolts to 240 in.-lbs. and safety wire.

(f) Upon compliance with paragraphs (d) and (e) the inspections listed in paragraph (c) are no longer required.

NOTE: When installing the NAS hardware on some helicopters in the field, it may be necessary to install an additional MS20002C6 or an AN 960-616 washer on the NAS bolts. The additional washers will insure that the bolts will not bottom out on the grip portion of the bolt when torqued to the airframe.

Enstrom Service Notes 0029 and 0029A pertain to this same subject.

This amendment becomes effective March 18, 1976.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421

and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

Issued in Des Plaines, Illinois on March 4, 1976.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc. 76-7464 Filed 3-17-76; 8:45 am]

[Docket No. 76-SO-24; Amdt. 39-2551]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Model G-1159

Amendment 39-2210 40 FR 21704, AD 75-11-07, requires the reduction of the elevator trim nose down authority from 8.5 ± 0.5 degrees to 4.5 ± 0.5 degrees, in accordance with Grumman Aircraft Service Change 182, within the next 800 hours' time in service or before April 30, 1976, whichever first occurs, on the Grumman Model G-1159 airplanes. After issuing Amendment 39-2210 the FAA determined that additional compliance time is warranted due to unavailability of parts and a design change. Therefore, the AD is being amended to extend the compliance time by six months or 400 hours' time in service, whichever first occurs.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2210 (40 FR 21704), AD 75-11-07, is amended by amending both paragraphs to read:

"Compliance required within the next 1200 hours' time in service after May 22, 1975, or before October 31, 1976, whichever occurs first, unless already accomplished."

"To prevent unnecessarily high longitudinal stick forces due to an inadvertent excessive increase of nose down electric trim, reduce the elevator trim nose down authority from 8.5 ± 0.5 degrees to 4.5 ± 0.5 degrees in accordance with Grumman Aircraft Service Change 182, Amendment 1, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, Southern Region."

This amendment becomes effective March 22, 1976.

(Sec. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Georgia on March 4, 1976.

PHILLIP M. SWATEK,
Director,
Southern Region, ASO-1.

[FR Doc. 76-7565 Filed 3-17-76; 8:45 am]

[Airspace Docket No. 76-SO-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Hickory, N.C., control zone and transition area.

The Hickory control zone is described in § 71.171 (41 F.R. 355) and the transition area is described in § 71.181 (41 F.R. 440). Both descriptions contain reference to the Hickory RBN which is to be decommissioned. An Instrument Landing System is being installed at the airport and the VOR instrument approach procedure serving the airport is being revised. All of these changes will result in a reduction in the size of the control zone and transition area. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, May 20, 1976, as hereinafter set forth.

§ 71.171 [Amended]

In § 71.171 (41 F.R. 355), the Hickory, N.C., control zone is amended to read:

Within a 5-mile radius of Hickory Municipal Airport (latitude $35^{\circ}44'30''$ N., longitude $81^{\circ}23'20''$ W.); within 1 mile each side of the ILS localizer northeast course, extending from the 5-mile radius zone to the outer marker.

§ 71.181 [Amended]

In § 71.181 (41 F.R. 440), the Hickory, N.C., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hickory Municipal Airport (latitude $35^{\circ}44'30''$ N., longitude $81^{\circ}23'20''$ W.); within 5 miles each side of the ILS localizer northeast course, extending from the 8.5-mile radius area to 11.5 miles northeast of the airport.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on March 9, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 76-7679 Filed 3-17-76; 8:45 am]

[Airspace Docket No. 75-SO-152]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 5, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 F.R. 56919), stating

RULES AND REGULATIONS

that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Glasgow, Ky., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, May 20, 1976, as hereinafter set forth.

In § 71.181 (41 F.R. 440), the Glasgow, Ky., transition area is amended as follows:

"* * * 3 miles each side * * *" is deleted and "* * * 3 miles north and 4.5 miles south * * *" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on March 9, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-7680 Filed 3-17-76; 8:45 am]

[Airspace Docket No. 75-EA-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 53271 of the FEDERAL REGISTER for November 17, 1975, the Federal Aviation Administration published a proposed rule which would designate a Linden, N.J., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. Objections have been submitted by the Port Authority of New York and New Jersey and the Air Transport Association. The objections of both parties centered on the effect which the sanctioned instrument approaches to Linden would have on Newark Airport traffic. The prime concern envisioned delays to Newark traffic, as both airports would be utilizing the same airspace. The agency has viewed the effect of 20 IFR operations per month at Linden Airport as having a minimal, if any, effect on Newark traffic.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT April 22, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on March 4, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.181, Federal Aviation Regulations by adding a new 700 foot floor transition area as follows:

LINDEN, NEW JERSEY

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center Lat. 40°37'04" N., Long. 74°14'42" W. of Linden, New Jersey Airport.

[FR Doc.76-7566 Filed 3-17-76; 8:45 am]

[Airspace Docket No. 75-EA-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 1605 of the FEDERAL REGISTER for January 9, 1976, the Federal Aviation Administration published a proposed rule which would alter the St. Marys Pa., Transition Area (41 FR 586).

Since publication, a minor change has been required to the extension, which change would not require notice and hearing.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT May 20, 1976, as follows:

§ 71.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the St. Marys, Pa. transition area and by substituting the following in lieu thereof:

"That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 41°24'45" N., 78°30'20" W. of St. Marys Municipal Airport, St. Marys, Pa.; within 2.5 miles each side of the Slate Run, Pa. VORTAC 256° radial, extending from the 5.5-mile radius area to 21.5 miles west of the VORTAC; within 3.5 miles each side of a 091° bearing from the center of the airport, extending from the 5.5-mile radius area to 10 miles east of the center of the airport; within 3.5 miles each side of a 271° bearing from the center of the airport, extending from the 5.5-mile radius area to 9 miles west of the center of the airport."

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on March 1, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.76-7567 Filed 3-17-76; 8:45 am]

[Airspace Docket No. 75-EA-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 3484 of the FEDERAL REGISTER for January 23, 1976, the Federal Aviation Administration published a proposed rule which would designate an Annville, Pa., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT May 20, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348]; sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on March 4, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

1. Amend section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate an Annville, Pa. transition area as follows:

ANNVILLE, PA.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center 40°19'00" N., 76°32'15" W. of Millard Airport, Annville, Pa.; within an 8.5-mile radius of the center of the airport, extending clockwise from a 105° bearing to a 148° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 148° bearing to a 180° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 180° bearing to a 230° bearing from the airport; and within 4.5 miles each side of the Harrisburg VORTAC 078° radial extending from the 5.5-mile radius area to 13 miles east of the VORTAC.

[FR Doc.76-7568 Filed 3-17-76; 8:45 am]

[Airspace Docket No. 75-EA-90]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 3484 of the FEDERAL REGISTER for January 23, 1976, the Federal Aviation Administration published a proposed rule which would alter the Aberdeen, Md., Control Zone (41 FR 355) and Transition Area (41 FR 440).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT May 20, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348]; sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on March 4, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

1. Amend § 71.171 of Part 71, Federal Aviation Regulations by deleting the description of the Aberdeen, Md., control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, lat. 39°28'00" N., long. 76°10'00" W., of Phillips AAF; within 4.5 miles each side of a 029° bearing from the Aberdeen, Md., RBN, extending from the RBN to 8.5 miles northeast of the RBN. This control zone is effective from 0800 to 1630 hours, local time, Monday through Friday, excluding Federal legal holidays.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations by deleting the description of the Aberdeen, Md., transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 39°28'00" N., long. 76°10'00" W., of Phillips AAF; within a 9.5-mile radius of the center of the airport, extending clockwise from a 260° bearing to a 010° bearing from the airport; within 3.5 miles each side of a 029° bearing from the Aberdeen, Md., RBN, extending from the RBN to 11.5 miles northeast of the RBN; within 5 miles each side of a 029° bearing from the Aberdeen, Md., RBN, extending from the RBN to 9.5 miles northeast of the RBN.

[FR Doc. 76-7569 Filed 3-17-76; 8:45 am]

[Airspace Docket No. 76-SO-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Withdrawal of Revocation of Transition Area

On February 6, 1976, Federal Register Docket No. 76-3501 was published in the FEDERAL REGISTER (41 F.R. 5385) stating that the Federal Aviation Administration was amending the Federal Aviation Regulations by revoking the McRae, Ga., transition area.

Subsequent to publication of the Revocation, it was determined that the McRae nondirectional radio beacon (RBN) would not be withdrawn from IFR use and that the instrument approach procedure predicated on the RBN would not be cancelled. Therefore, a requirement for the McRae transition area continues to exist.

In consideration of the foregoing, Airspace Docket No. 76-SO-3 (Federal Register Docket No. 76-3501) and nonrule-making case 76-SO-6-NR are withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on March 5, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 76-7469 Filed 3-17-76; 8:45 am]

[Airspace Docket No. 75-SO-157]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 22, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 F.R. 3311), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Rockingham, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, May 20, 1976, as hereinafter set forth.

§ 71.181 [Amended]

In § 71.181 (41 F.R. 440), the Rockingham, N.C., transition area is amended as follows:

" * * southwest of the VORTAC * * " is deleted and " * * southwest of the VORTAC; within 3 miles each side of the 140° bearing from the Rockingham RBN (latitude 34°53'42" N., longitude 79°45'20" W.), extending from the 5-mile radius area to 8.5 miles southeast of the RBN * * " is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on March 3, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 76-7468 Filed 3-17-76; 8:45 am]

[Airspace Docket No. 75-CE-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On December 19, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 58864) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would cap Federal Airway V-13W at 9,000 feet MSL between Des Moines and Fort Dodge, Iowa, to accommodate operations in the Boone Military Operations Area (MOA).

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. One comment was received and it was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, May 20, 1976, as hereinafter set forth.

§ 71.123 [Amended]

§ 71.123 (41 FR 307) is amended as follows:

In V-13 "and excluding the airspace above 9,000 feet MSL between Des Moines and Fort Dodge" is added to the description of the west alternate from Des Moines to Mason City between "and this W alternate" and "Farmington, Minn.,"

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C. on March 9, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 76-7462 Filed 3-17-76; 8:45 am]

[Airspace Docket No. 76-SW-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the De Quincy, La., transition area.

On January 23, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 3484) stating the Federal Aviation Administration proposed to alter the transition area at De Quincy, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, May 20, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the De Quincy, La., transition area is amended to read:

DE QUINCY, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of De Quincy Industrial Airpark (latitude 30°26'17" N., longitude 93°28'21" W.); within 2 miles each side of the Lake Charles VORTAC 313°T radial extending from the 5-mile-radius area to 24.5 miles northwest of the VORTAC and within 3 miles either side of the 325°T bearing from the De Quincy NDB (latitude 30°26'06" N., longitude 93°28'00" W.) extending from the 5-mile-radius area to 8 miles northwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Fort Worth, Tex., on March 3, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc. 76-7461 Filed 3-17-76; 8:45 am]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1221—NASA OFFICIAL SEAL, INSIGNIA, LOGOTYPE, OFFICIAL PROGRAM AND ASTRONAUT BADGES, AND FLAGS

NASA Logotype Insignia

Pursuant to the authority vested in me by 42 U.S.C. 2473, Part 1221 of the National Aeronautics and Space Administration regulations is amended.

This revision, which supersedes Part 1221 published August 6, 1974, delineates the official emblematic devices which shall be used exclusively to represent the National Aeronautics and Space Administration's programs, projects, functions, activities or elements thereof.

The purpose of this amendment is to establish the new NASA Logotype Insignia and its uses which are essentially those uses formerly reserved for the NASA Insignia. The NASA Insignia is retained in the family of NASA's official emblematic devices but will not be used for any purpose without the written approval of the Administrator.

Since these amendments involve only a change in internal administrative procedures, notice and public procedure thereon is not required.

1. Part 1221 revised in its entirety as follows:

Sec.	
1221.100	Scope.
1221.101	Policy.
1221.102	Establishment of the NASA Seal.
1221.103	Establishment of the NASA Insignia.
1221.104	Establishment of the NASA Logotype Insignia.
1221.105	Establishment of official NASA Program Badges.
1221.106	Establishment of official NASA Astronaut Badges.
1221.107	Establishment of the official NASA Flag.
1221.108	Establishment of the Administrator's, Deputy Administrator's and Associate Administrator's Flags.
1221.109	Custody of the NASA Seal.
1221.110	Official uses and restrictions.
1221.111	Approval of new or change proposals.
1221.112	Violations.
1221.113	Compliance and enforcement.
1221.114	Illustration of the NASA Seal.
1221.115	Illustration of the NASA Insignia.
1221.116	Illustration of the NASA Logotype Insignia.
1221.117	Illustration of the NASA Flag.

AUTHORITY: 42 U.S.C. 2472(a) and 2473(b) (1).

§ 1221.100 Scope.

This Part sets forth the policy governing the use of the official NASA Seal, the NASA Insignia, the NASA Logotype Insignia, official NASA Program Badges, official NASA Astronaut Badges, and the NASA Flags.

§ 1221.101 Policy.

(a) The official NASA Seal, the NASA Insignia, the NASA Logotype Insignia,

official NASA Program Badges, the official NASA Astronaut Badges and the NASA Flags, as prescribed in §§ 1221.102 through 1221.108 of this Part 1221, shall be used exclusively to represent NASA, its programs, projects, functions, activities, or elements thereof. The use of any devices other than those provided by or subsequently approved in accordance with the provisions of this Part 1221 is prohibited.

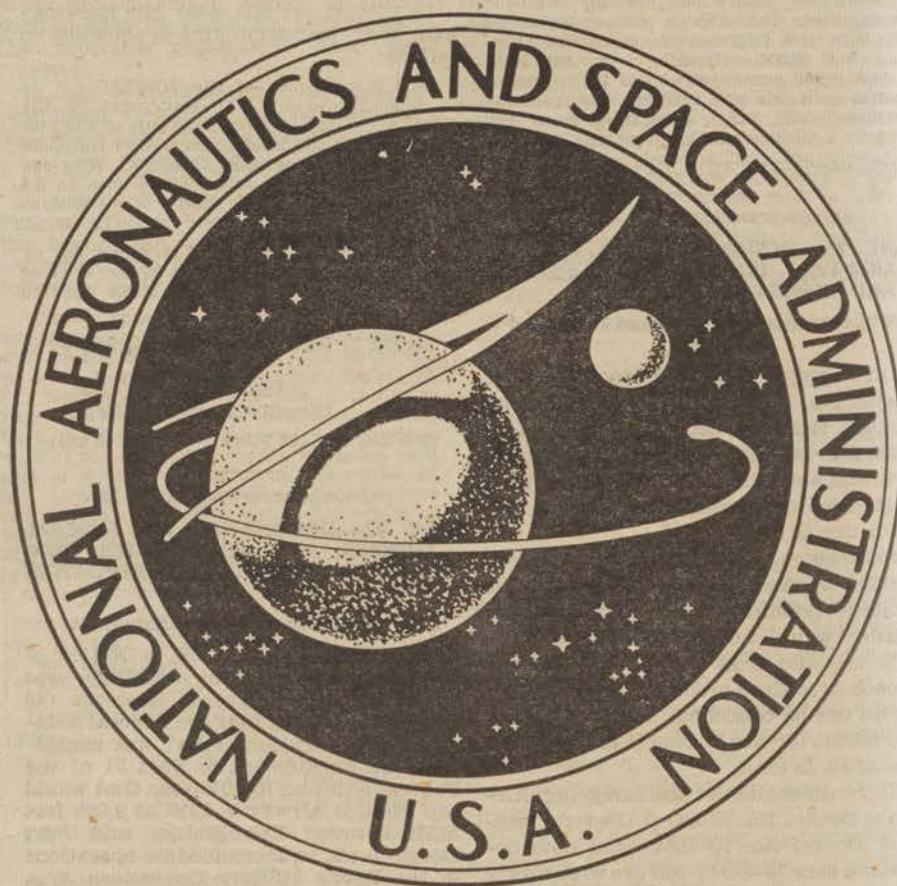
(b) The official and restricted use of the devices prescribed herein shall be governed by the provisions of this Part 1221. The use of the devices prescribed herein for any purpose other than as authorized by this Part 1221 is prohibited. Their misuse shall be subject to the penalties authorized by statute, as set forth in § 1221.112 and shall be reported as provided in § 1221.113.

(c) Any proposal for a new NASA Insignia, NASA Logotype Insignia, Program Badge, Astronaut Badge, or for modification to those prescribed herein, shall be processed in accordance with § 1221.111.

§ 1221.102 Establishment of the NASA Seal.

The official NASA Seal, as described in Attachment A, was established by Executive Order 10849 (24 FR 9559), November 27, 1959, as amended by Executive Order 10942 (24 FR 4419), May 22, 1961. The NASA Seal, established by the President, is the official Seal of the Agency and symbolizes the achievements and goals of NASA and the United States in aeronautical and space activities. The NASA Seal shall be used as set forth in § 1221.110(3).

ATTACHMENT A
NMI 1020.1E



The NASA Seal

Technical Description:

The official seal of the National Aeronautics and Space Administration is a disc of blue sky strewn with white stars, to dexter a large yellow sphere bearing a red-flight symbol apex in upper sinister and wings enveloping and casting a brown shadow upon the sphere, all partially encircled with a white horizontal orbit, in sinister a small light blue sphere; circumscribing the disc a white band edged gold inscribed "National Aeronautics and Space Administration U.S.A." in red letters.

§ 1221.103 Establishment of the NASA Insignia.

The NASA Insignia, as described in Attachment B, was designed by the Army Institute of Heraldry, and approved by the Commission of Fine Arts and the NASA Administrator. It symbolizes NASA's role in aeronautics and space and will not be used for any purpose without the written approval of the Administrator.

ATTACHMENT B
HNT 1020.1B



The NASA Insignia

REPRODUCTION

Black-on-white
or single color

Two-color

As shown

Dark blue sky background, solid wing configuration;
white inner elliptical flight path, stars, and letters NASA.

SIZE:

The Insignia may be reproduced or used in various sizes. Size to be determined on basis of (a) desired effect for visual identification or publicity purposes, (b) relative size of the object on which Insignia is to appear, and (c) consideration of any design, layout, reproduction, or other problems involved.

RESTRICTION:

The NASA Insignia will not be used for any purpose without the written approval of the Administrator.

§ 1221.104 Establishment of the NASA Logotype Insignia.

The NASA Logotype Insignia (Attachment C), to be referred to as the NASA Logotype, was established by the Administrator as the official signature and design element for all visual communications formerly reserved for the NASA Insignia. The NASA Logotype was developed under the Federal Design Improvement Program initiated by the President in 1972 and approved by the Commission of Fine Arts in November 1975. The NASA Logotype shall be used as set forth in § 1221.110(b), the NASA Graphics Standards Manuals and any related NASA Management Issuance(s) or specification(s) approved by the Administrator and published subsequent hereto.

NASA

The NASA Logotype Insignia
This logotype is the central element in NASA's visual communications system. Through consistent and repetitive use as a signature device and design element in all of NASA's visual communications, the logotype becomes a visual shorthand which identifies the Agency and symbolically embodies its activities, achievement and goals.

In the logotype, the letters NASA are reduced to their most simplified form. The strokes are all of one width, evoking the qualities of unity and technical precision. Elimination of cross-strokes in the two "A" letters imparts a vertical thrust to the logotype and lends it a quality of uniqueness and contemporary character.

Technical Descriptions

The NASA Logotype design is solid stroke letterforms, shown frontending horizontally against a solid neutral background.

The Logotype sizes are based on (a) desired effect (b) relative size of object on which applied and (c) considerations of any design layout and reproduction. See NASA Graphics Standards Manual NHB 1430.2.

It is reproduced only photographically except that, for larger applications, the Logotype is reproduced using the grid shown in the Manual. Otherwise, the Logotype is never reproduced mechanically or by hand.

The preferred color of the NASA Logotype is NASA red (PM 3120), used only when a second color is available and appropriate. Against a white background, the Logotype may be shown in NASA red, black, or NASA warm gray. For background of other values, the Manual is to be consulted and followed.

§ 1221.105 Establishment of official NASA Program Badges.

A separate and unique badge may be designed and approved in connection with or in commemoration of a major NASA program. Each approved badge shall be officially identified by its title, such as "Skylab," "Viking," a major NASA anniversary, etc. NASA Program Badges shall be used as set forth in § 1221.110(c) pursuant to approval as set forth in § 1221.111(c).

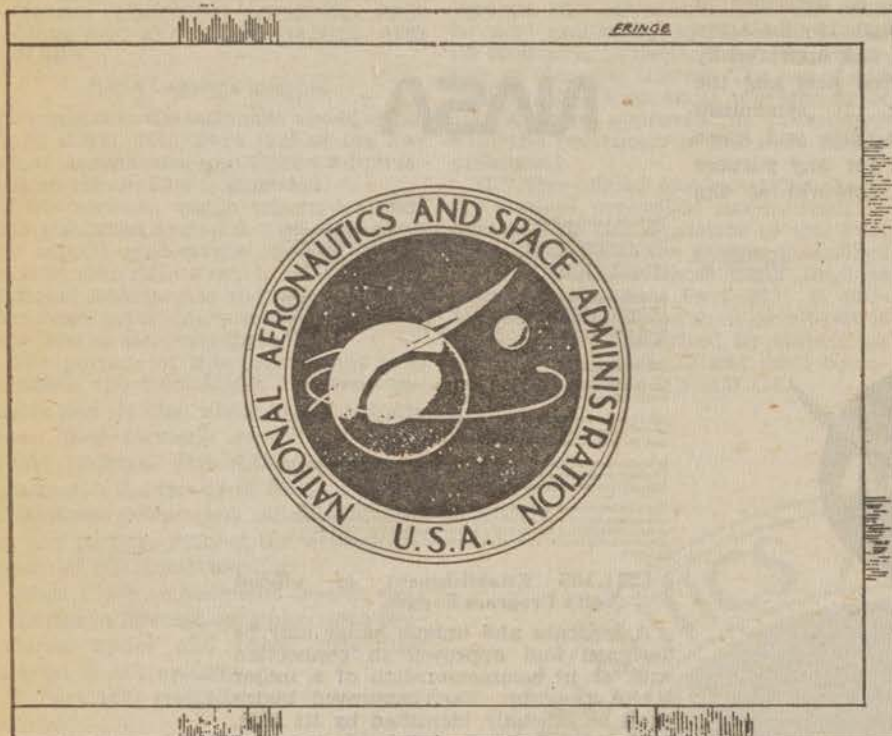
§ 1221.106 Establishment of official NASA Astronaut Badges.

A separate and unique badge may be designed in connection with or in commemoration of each manned flight mission for the particular astronauts involved. Each approved badge shall be officially identified by its title, such as "Apollo 17 Badge," etc. Collectively, these badges will comprise the official Astronaut Badges. The NASA Astronaut Badges shall be used as set forth in § 1221.110(c) pursuant to approval as set forth in § 1221.111(c).

§ 1221.107 Establishment of the official NASA Flag.

The official NASA Flags for interior and exterior use (Attachment D) were created by the Administrator in January 1960. Complete design, size and color of the NASA interior and exterior flags for manufacturing purposes are detailed in U.S. Army QMG Drawing 5-1-269; Revision 14 September 1960. The NASA Flags shall be used as set forth in § 1221.110(d).

ATTACHMENT D
NMI 1020.1E



The NASA Flag

REFERENCE:

U. S. Army QMG Drawing 5-1-269; Revision 14 September 1960. Note: Recommend use of Military Specification (MIL-F-2692D dated 14 March 1969, as amended) in conjunction with referenced drawing as a guideline for procurement purposes.

Technical Description of Interior Flag:

The color of the National Aeronautics and Space Administration flag will be of blue bemberg taffeta-weave rayon, four (4) feet, four (4) inches on the hoist by five (5) feet, six (6) inches fly. In the center of the color will be the Official Seal of the National Aeronautics and Space Administration thirty inches in diameter. The devices and stars of the Seal will be embroidered by the Bonnaz Process. The color will be trimmed on three edges with a knotted fringe of rayon two and one half (2 1/2) inches wide. Cord and tassels will be of yellow rayon strands. See drawing reference above for complete details.

Technical Description of Exterior Flag:

NASA flags for external use may be procured in two sizes: 5' x 9'-6" (without fringe) or 10' x 19' (without fringe). Detailed design, colors and size specifications are as set forth in the drawing referenced above.

§ 1221.108 Establishment of the Administrator's, Deputy Administrator's and Associate Administrator's Flags.

(a) Concurrently with the establishment of the official NASA Flag in January 1960, the Administrator also established NASA Flags to represent the Administrator, Deputy Administrator, and Associate Administrator. Each of these flags conforms to the basic design of the official NASA Flag except that:

(1) The size of the flags is 3 feet x 4 feet;

(2) The Administrator's Flag has four stars;

(3) The Deputy Administrator's Flag has three stars; and

(4) The Associate Administrator's Flag has two stars.

(b) Flags representing these senior officials shall be used as set forth in § 1221.110(e).

§ 1221.109 Custody of the NASA Seal.

The Executive Officer shall be responsible for custody of the NASA impression Seal and custody of NASA replica (plaques) seals.

§ 1221.110 Official uses and restrictions.

(a) The NASA Seal. The use of the NASA Seal is restricted to the following:

(1) NASA award certificates and medals.

(2) NASA awards for career service.

(3) Security credentials and employee identification cards.

(4) Administrator's documents; the seal may be used on documents such as interagency or intergovernmental agreements and special reports to the President and Congress, and on other documents, at the discretion of the Administrator.

(5) Plaques; the design of the NASA Seal may be incorporated in plaques for display in Agency auditoriums, presentation rooms, lobbies, offices of senior officials, and on the fronts of buildings occupied by NASA.

(6) The NASA Flag, and the Administrator's, Deputy Administrator's, and Associate Administrator's Flags, which incorporate the design of the NASA Seal.

(7) Official NASA prestige publications which represent the achievements or missions of NASA as a whole.

(8) Official publications (or documents) involving participation by another Government agency for which the other Government agency has authorized the use of its seal.

(9) Use of the NASA Seal for any other purposes than those prescribed in this paragraph (a) is prohibited, except that the Executive Officer may authorize, on a case-by-case basis, the use of the NASA Seal for purposes other than those covered by this paragraph (a) when in his judgment such use would be appropriate.

(b) The NASA Logotype. The NASA Logotype is authorized for use on the following:

(i) Official NASA articles;

(ii) NASA letterhead stationery.

(iii) Official films produced by or for NASA.

(iv) Wearing apparel and personal property items used by NASA employees in performance of their official duties.

(v) Required uniforms of contractor employees when performing official public affairs duties, guard or fire protection duties and similar official duties within NASA installations or at other assigned NASA duty stations, and on any required contractor-owned vehicles used exclusively in the performance of these official duties, when authorized by NASA contracting officers.

(vi) Spacecraft, aircraft, automobiles, trucks, and similar vehicles owned by, leased to, or contractor-furnished to NASA, or produced for NASA by contractors, but excluding NASA-owned vehicles used and operated by contractors.

(vii) Equipment and facilities owned by, leased to, or contractor-furnished to NASA, such as machinery, major tools, ground handling equipment, office and shop furnishings (if appropriate) and similar items of a permanent nature, including those produced for NASA by contractors.

(vii) Official NASA pamphlets, manuals, handbooks, house organs, bulletins, general reports, posters, signs, charts, and items of similar nature for general use, other than those covered in paragraph (a) (7) and (8) of this section.

(viii) Briefcases or dispatch cases issued by NASA.

(ix) Certificates (NASA Form 699A and 699B) covering authority for NASA and contractor security personnel to carry firearms.

(x) NASA occupied buildings when the use of the NASA Logotype is more appropriate than use of the NASA Seal.

(2) Personal Articles—NASA Employees:

(i) Business calling cards of NASA employees may carry the imprint of the NASA Logotype.

(ii) Limited usage on automobiles. If determined appropriate by the cognizant installation official, it is acceptable to place a NASA Logotype sticker on personal automobiles where such identification will facilitate entry or control of such vehicles at NASA installations or parking areas.

(iii) Personal items used in connection with officially recognized NASA employees' recreation association activities.

(iv) Items for sale through NASA employees' non-appropriated fund activities.

(3) Use of the NASA Logotype for any other purposes than those prescribed herein is prohibited, except that the Assistant Administrator for Public Affairs may authorize on a case-by-case basis the use of the NASA Logotype for other purposes when in his judgment such use would be appropriate.

(c) NASA Program and Astronaut Badges.

(1) Official NASA Program and Astronaut Badges will be restricted to the uses set forth in this paragraph (c) and to such other uses as the Assistant Administrator for Public Affairs may specifically approve.

(2) Specific approval is given for the following uses:

(i) Use of exact reproductions of a badge in the form of a patch made of cloth or other material, a decal, or a gummed sticker, on articles of wearing apparel and personal property items; and

(ii) Use of exact renderings of a badge on a coin, medal, plaque or other commemorative souvenirs.

(3) The manufacture and sale or free distribution of badges for the uses approved or that may be approved under subparagraphs (1) and (2) of this paragraph are authorized.

(4) Portrayal of an exact reproduction of a badge in conjunction with the advertising of any product or service will be approved on a case-by-case basis by the Assistant Administrator for Public Affairs.

(5) The manufacture, sale or use of any colorable imitation of the design of an official Astronaut or Program Badge will not ordinarily be approved.

(d) The NASA Flag.

(1) The NASA Flag is authorized for use only as follows:

(i) On or in front of NASA installation buildings.

(ii) At NASA ceremonies.

(iii) At conferences (including display in NASA conference rooms).

(iv) At governmental or public appearances of NASA executives.

(v) In private offices of senior officials.

(vi) As otherwise authorized by the Administrator or his designee.

(2) The NASA Flag must be displayed with the United States Flag. When the United States Flag and the NASA Flag are displayed on a speaker's platform in an auditorium, the United States Flag must occupy the position of honor and be placed at the NASA representative's right as he faces the audience, with the NASA Flag at his left.

(e) The Administrator's, Deputy Administrator's and Associate Administrator's Flags.

These flags shall be displayed with the United States Flag in the respective offices of these officials but may be temporarily removed for use at the discretion of the officials concerned.

§ 1221.111 Approval of new or change proposals.

(a) Any proposed change to the design and description of the NASA Insignia set forth in Attachment B or to the NASA Logotype set forth in Attachment C requires the written approval of the Administrator and submission to the Commission of Fine Arts for its advice as to the merit of the design.

(b) Any proposed new insignia or logotype and its use must be approved in writing by the Administrator and submitted to the Commission of Fine Arts for its advice as to the merit of the design. If approved by the Administrator and advice received from the Commission of Fine Arts the insignia and use of such insignia or logotype must be prescribed in this Part 1221 and published in the FEDERAL REGISTER.

(c) Any request for the Administrator's approval of a new insignia, a new logotype, a new program badge, an official NASA astronaut badge, or for the modification of the existing approved insignias or badges or their uses, or any proposal for a device other than as prescribed herein shall be submitted to the Administrator through the Assistant Administrator for Public Affairs for his approval or recommendation.

§ 1221.112 Violations.

(a) NASA Seal. Any person who uses the official NASA Seal in a manner other than as authorized in this Part 1221 shall be subject to the provisions of Title 18, U.S.C. section 1017, which provides as follows:

"Government seals wrongfully used and instruments wrongfully sealed * * *

"Whoever fraudulently or wrongfully affixes or impresses the seal of any department or agency of the United States, to or upon any certificate, instrument, commission, document, or paper or with knowledge of its fraudulent character, with wrongful or fraudulent intent, uses, buys, procures, sells, or transfers to another any such certificate, instrument, commission, document, or paper,

to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than \$5,000 or imprisoned not more than five years, or both." (June 25, 1948, ch. 62 Stat. 753).

(b) NASA Insignia, NASA Logotype, NASA Program and NASA Astronaut Badges. Any person who uses the NASA Insignia, NASA Logotype, official NASA Program Badges or official NASA Astronaut Badges in a manner other than as authorized in this Part 1221 shall be subject to the provisions of Title 18, U.S.C. Section 701, which provides as follows:

"Official badges, identification cards, other insignia * * *

"Whoever manufactures, sells, or possesses any badge, identification card, or other insignia, of the design prescribed by the head of any department or agency of the United States for use by an officer or employee thereof, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engravings, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or any colorable imitation thereof, except as authorized under regulations made pursuant to law, shall be fined not more than \$250 or imprisoned not more than six months or both." (June 25, 1948, ch. 645, 62 Stat. 731).

§ 1221.113 Compliance and enforcement.

In order to ensure adherence to the authorized uses of the NASA Seal, the NASA Insignia, the NASA Logotype, official NASA Program Badges, official NASA Astronaut Badges and the NASA Flags as provided herein, a report of each suspected violation of this Part 1221 (including the use of unauthorized NASA Insignias) or of questionable usages of the NASA Seal, the Insignia, the Logotype, official NASA Program Badges, official NASA Astronaut Badges, or the NASA Flags shall be submitted to the Director of Inspections, in accordance with NASA Management Instruction 1960.1.

§ 1221.114 Illustration of the NASA Seal.

§ 1221.115 Illustration of the NASA Insignia.

§ 1221.116 Illustration of the NASA Logotype Insignia.

§ 1221.117 Illustration of the NASA Flag.

Effective date. This part becomes effective on March 18, 1976.

JAMES C. FLETCHER,
Administrator.

[FR Doc.76-7587 Filed 3-17-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 9004]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Circulation Builders, Inc., t/a Publishers Service Company of California, et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or

misleadingly; § 13.15 Business status, advantages or connections; 13.15-10 Authorized distributor; 13.15-15 Bonded business; 13.15-30 Connections or arrangements with others; 13.15-225 Personnel or staff; § 13.50 Dealer or seller assistance; § 13.55 Demand, business or other opportunities; § 13.70 Fictitious or misleading guarantees; § 13.135 Nature of product or service; § 13.143 Opportunities; § 13.155 Prices; 13.155-5 Additional charges unmentioned; § 13.157 Prize contests; § 13.185 Refunds, repairs, and replacements; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart—Claiming or using endorsements or testimonials falsely or misleadingly; § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly; 13.330-97 Welfare, patriotic, or charitable organizations. Subpart—Contracting for sale in any form binding on buyer prior to specified time period; § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45 (c) Complaints; 13.533-45(e) Correspondence; 13.533-45(k) Records, in general; 13.533-55 Refunds, rebates and/or credits. Subpart—Delaying or withholding corrections, adjustments or action owed; § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Failing to maintain records; § 13.1051 Failing to maintain records; 13.1051-30 Formal regulatory and/or statutory requirements. Subpart—Furnishing means and instrumentalities of misrepresentation or deception; § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections; § 13.1368 Bonded business; § 13.1395 Connections and arrangements with others; § 13.1490 Nature; § 13.1520 Personnel or staff. —Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1608 Dealer or seller assistance; § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1647 Guarantees; § 13.1685 Nature; § 13.1697 Opportunities in product or service; § 13.1705 Prize contests; § 13.1725 Refunds; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions; 13.1760-50 Sales contract. —Prices: § 13.1778 Additional costs unmentioned. —Promotional sales plans; § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1855 Identity; § 13.1870 Nature; § 13.1882 Prices; 13.1882-10 Additional prices unmentioned; § 13.1883 Prize contests; § 13.192 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905-50 Sales contract. Subpart—Offering unfair,

improper and deceptive inducements to purchase or deal; § 13.1927 Competitive contests and awards; § 13.1935 Earnings and profits; § 13.1980 Guarantee, in general; § 13.2015 Opportunities in product or service; § 13.2027 Prize contests; § 13.2040 Returns and reimbursements; § 13.2063 Scientific or other relevant facts; § 13.2080 Terms and conditions. Subpart—Securing agents or representatives by misrepresentation; § 13.2120 Dealer or seller assistance; § 13.2125 Demand or business opportunities; § 13.2130 Earnings; § 13.2132 Exclusive territory; § 13.2148 Scientific or other relevant facts; § 13.2165 Terms and conditions. Subpart—Securing orders by deception; § 13.2170 Securing orders by deception. Subpart—Shipping merchandise, etc., in excess of or without order; § 13.2195 Shipping merchandise, etc., in excess of or without order. (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

In the Matter of Circulation Builders, Inc., a Corporation Doing Business as Publishers Service Company of California, and Harold J. Gutknecht and Gerald Gutknecht, Individually and as Officers of Said Corporation

Consent order requiring a Sausalito, Calif., company engaged in door-to-door sales of books and periodicals, among other things to cease misrepresenting and failing to disclose material facts in soliciting people for employment as sales agents; failing to obtain all required licenses or other permits prior to doing business in any jurisdiction; misrepresenting and failing to disclose material facts in selling subscriptions for magazines, books or other publications which respondents have no authority to sell or which respondents cannot cause to be delivered. Respondents are further required to make full refunds to all consumers who have dealt with them since Jan. 1, 1974.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:²

ORDER

It is ordered, That respondents Circulation Builder, Inc., a corporation, doing business as Publishers Service Company of California, or under any other name or names, its successors and assigns, and its officers, and Harold J. Gutknecht and Gerald Gutknecht, individually and as officers of said corporation, and respondents' agents, independent contractors, representatives, crew managers, solicitors and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of magazines, magazine subscriptions, books, or other products; or in the recruitment of solicitors or salesmen for said products in or affecting commerce, as "commerce" is defined

² Copies of the Complaint, Decision and Order, filed with the original document.

in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, directly or indirectly, whether orally, visually, or in writing, to solicitors or representatives or prospective solicitors or representatives of said products that:

(a) They will travel on a planned itinerary to various large cities and resort areas throughout the United States and its territories; or misrepresenting in any manner, the travel opportunities to their representatives or solicitors.

(b) Respondents will pay all, or any part of the expenses of such solicitors except during a limited training period; or misrepresenting, in any manner, the terms or conditions of employment as a representative or solicitor for respondents.

(c) They will have high earnings or earnings of any stated gross amount; or representing in any manner, the past earnings of respondents' representatives or solicitors, unless in fact the past earnings represented have actually been received by more than 90% of respondents' representatives or solicitors and accurately reflect the average earnings of such representatives or solicitors.

(d) They will serve in any capacity other than as magazine, book or other publication subscription solicitors selling magazines, books, or other publications on a door-to-door basis; or misrepresenting in any manner, the terms, conditions, or nature of such employment, or the manner or amount of payment for such employment.

2. Failing clearly and unqualifiedly, to reveal during the course of any contact or solicitation of any prospective employee, sales agent or representative, whether directly or indirectly, or by written or printed communications, or by newspaper or periodical advertising, or person-to-person, that such prospective employee, sales agent or representative will be employed to solicit the sale of magazine, book or other publication subscriptions.

3. Failing to immediately provide any representative or solicitor who has been employed for longer than two weeks and who has given either oral or written notice of termination of employment to respondents with the funds necessary to pay for adequate travel expenses to return to the geographical location where said representative or solicitor was initially solicited for employment by respondents.

4. Failing to keep weekly financial records of income earned and expenses incurred by each representative or solicitor of respondents.

5. Failing to provide each representative or solicitor with a weekly itemized written financial statement of his or her income earned and expenses incurred.

6. Failing to remit weekly to representatives and solicitors monies earned by said representatives and solicitors.

7. Failing to obtain all required licenses or other permits prior to doing business in any jurisdiction.

8. Failing to immediately post bail, pay any fines, attorney's fees, or court costs imposed on any representative or solicitor of respondent as a result of respondents' failure to comply with the provisions of Paragraph 7 above.

9. Soliciting or accepting subscriptions for magazines, books or other publications which respondents have no authority to sell or which respondents cannot promptly deliver or cause to be delivered.

10. Representing, directly or by implication, orally, visually, or in writing, that:

(a) Respondents' representatives or solicitors are participants in a contest working for prize awards; or are not solicitors working for money compensation; or misrepresenting, in any manner, the status of their sales agents or representatives or the manner or amount of compensation they receive;

(b) Respondents' representatives or solicitors are employed by or for the benefit of any charitable or non-profit organization; or misrepresenting in any manner, the identity of the solicitor or of his firm or the business that they are engaged in;

(c) Respondents' representatives or solicitors are college students working their way through school;

(d) Respondents' representatives or solicitors are participating in any educational program or that they are competing for educational or trade school awards or scholarships;

(e) Respondents' representatives or solicitors are veterans; or that the sale of magazines, books or other publications is or will be beneficial to veterans or veteran's organizations;

(f) Respondents' sales agents or representatives have been or are bonded, or making any reference to bonding, unless such sales agents or representatives have been bonded by a recognized bonding agency, and any payments made pursuant to such bonding arrangement would accrue directly to the benefit of subscribers ordering subscriptions from respondents' representatives or solicitors; or misrepresenting, in any manner, the nature, terms or conditions of any such bond;

(g) Respondents have a legal arrangement with any independent third party which insures the placement and fulfillment of each and every magazine, book or other publication subscription order; or misrepresenting, in any manner, the nature, terms and conditions of any such arrangement;

(h) Respondents guarantee the delivery of magazines, books or other publications for which they sell subscriptions and accept payments, without clearly and conspicuously disclosing the terms and conditions of any such guarantee; or misrepresenting, in any manner, the terms and conditions of any guarantee; and

(i) The money paid by a subscriber to the respondents' representative or solicitor at the time of sale is the total cost of the subscription in instances where the

subscriber will be required to remit an additional amount in order to receive the subscription as ordered.

11. Utilizing any sympathy appeal to induce the purchase of subscriptions, including but not limited to: illness, disease, handicap, race, financial need, eligibility for benefit offered by respondents, or other personal status of the solicitor, past, present or future; or representing that earnings from subscription sales will benefit certain groups of persons such as students or the underprivileged, or will help charitable or civic groups, organizations or institutions.

12. Failing clearly and conspicuously without any qualification, orally and in writing, to reveal at the outset of any contact or solicitation of a purchaser or prospective purchaser, whether directly or indirectly, or by written or printed communications, or person-to-person, that the purpose of such contact or solicitation is to sell products or services as the case may be, which shall be identified with particularity at the time of such contact or solicitation.

13. Failing within thirty (30) days from the sale of any subscription to notify a subscriber of respondents' inability to place all or part of a subscription and to deliver each of the magazines, books or other publications of other publications subscribed for; and to offer each such subscriber the option to receive a full refund of the money paid for such subscription or part thereof which respondents are unable to deliver or to substitute other publications in lieu thereof.

14. Failing within ten (10) days from the receipt of notification of a subscriber's election to receive a refund as provided in Paragraph 13 hereof, to make the required refund or to enter the subscription with publishers, as elected by the subscriber.

15. Failing to answer and to answer promptly, inquiries by or on behalf of subscribers regarding subscriptions placed with respondents.

16. Failing to arrange for the delivery of publications already paid for or promptly refunding money on a pro rata basis for all undelivered issues of publications for which payment has been made in advance.

17. Failing within twenty-one (21) days from the date of the receipt of the final payment to enter subscriptions for each magazine, book, or other publication with publishers which respondents are authorized by the publisher or distributor thereof to sell.

18. Failing to give clear and conspicuous oral and written notice to each subscriber that upon written request said subscriber will be entitled to a refund of all monies paid if he does not receive the magazine, book or other publication subscribed for within 120 days of the receipt of the final payment.

19. Failing within ten (10) days from receipt of written request for a refund by any subscriber to refund all monies to subscribers who have not received magazines, books or other publications

subscribed for through respondents within 120 days from the date of receipt of the final payment thereof.

20. Failing to refund to subscribers the money said subscribers have paid for subscriptions to magazines, books or other publications or, at the election of the subscriber, to enter the subscription as originally ordered in instances where the respondents' representatives or solicitors have appropriated such money to their own use and have failed to enter the subscriptions as ordered by said subscribers, within fourteen (14) days of notice to respondents thereof.

21. Failing to furnish each subscriber at the time of sale of any subscription a duplicate original of the contract, order or receipt form signed by the customer showing the date and the name and street address of the sales representative or solicitor, together with the respondent corporation's name, street address and telephone number and showing on the same side of the page, the exact number and name(s) of the publications being subscribed for, the number of issues and duration of each subscription and the total price for each and all such publications.

22. Misrepresenting the number and name(s) of publications being subscribed for, the number of issues and duration of each subscription and the total price for each and all publications.

23. Furnishing, or otherwise placing in the hands of others, the means or instrumentalities by or through which the public may be misled or deceived in the manner or as to the things prohibited by this Order.

It is further ordered, That respondents do forthwith cease and desist from:

1. Failing to furnish a subscriber, hereinafter referred to as "buyer", with a fully completed receipt or copy of any contract pertaining to any sale totaling any dollar amount at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and street address of the corporate respondent, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

"You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right."

2. Failing to furnish each buyer, at the time he or she signs the door-to-door sales contract totaling any dollar amount or otherwise agrees to buy consumer goods or services totaling any dollar amount from the respondents, a completed form in duplicate, captioned "NOTICE OF CANCELLATION," which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the fol-

lowing information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

[enter date of transaction]

(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any payments made by you under the contract or sale and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

If the seller fails to notify you, within ten (10) business days of receipt of your notice of cancellation of the seller's intent to repossess or to abandon any shipped or delivered goods then you are entitled to a refund and to retain said goods.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to [Name of seller], at [address of seller's place of business] not later than midnight of

(date)

I hereby cancel this transaction.

(Date)

(Buyer's signature)

3. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the street address of the corporate respondent's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

4. Including in any door-to-door contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this Order including specifically his or her right to cancel the sale in accordance with the provisions of this Order.

5. Failing to inform each buyer orally, at the time he or she signs the contract

or purchases the goods or services, of his or her right to cancel.

6. Failing to comply with the terms set forth in the notice in Paragraph 1 above and in the Notice of Cancellation in Paragraph 2 above and misrepresenting in any manner the buyer's right to cancel.

7. Failing or refusing to honor any valid notice of cancellation by a buyer and failing within 10 business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any necessary or appropriate action to terminate promptly any security interest created in the transaction; and (iii) allow a buyer to retain any magazine, book or other publication received by said buyer if respondents have failed within said ten (10) day period to notify buyer whether respondents intend to repossess or to abandon any shipped or delivered goods.

8. Negotiating, transferring, selling, or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

It is further ordered, That respondents do forthwith cease and desist from failing to refund immediately all monies to all persons who subscribe after the effective date of this Order and show that respondents' solicitations or performance were attended by or involved violation of any of the provisions of this Order.

It is further ordered, That:

1. Gerald Gutknecht and corporate respondent shall refund within six (6) months of notification by subscribers, all monies to persons who have ordered magazines, books or other publications through respondents from January 1, 1970 to the effective date of this Order and who have not received said magazines, books or other publications at the address given by said subscribers or who have received magazines, books or other publications they had not ordered, with no obligation on the part of any person to return said magazines, books or other publications not ordered; provided, however, that those persons who have ordered magazines, books or other publications 120 days prior to the effective date of this Order shall only be entitled to a refund if they have not received said magazines, books or other publications at the address given by said subscribers within 120 days from date of sale or if they have received magazines, books or other publications which were not ordered, with no obligation on the part of said person to return said magazines, books, or other publications not ordered.

2. Gerald Gutknecht and corporate respondent shall refund within six (6) months of notification all monies to persons who have ordered magazines, books or other publications through respondents from January 1, 1970 to January 1, 1974 and who requested a subscription

cancellation in writing within three business days from sale thereof but which cancellation notice was not honored by respondents with no obligation on the part of any person so notified to return any magazine, book or other publication received pursuant to said subscription order.

3. Proper notification by subscribers to respondents for refunds as called for in Paragraphs 1 and 2 above shall consist of a written statement by a subscriber stating (1) that he or she has fully or partially paid respondents or respondents' representatives for magazines, books or other publications; and (2) the date or dates of payment; and (3) (i) that he or she has not received the magazines, books or other publications as ordered at the address given by said subscriber or, (ii) that he or she has received magazines, books or other publications which were not ordered or, (iii) that he or she had exercised a three-business day cancellation and such notification of cancellation was not honored. The effective date of the notification shall be the date of mailing or communication and not on the date of receipt. Said written notification shall be valid if it contains the foregoing information and is either sent by subscribers directly to respondents or is sent to a third party and transferred by said third party to respondents. If respondents receive any oral inquiry or notification by any subscriber concerning any request for a refund, respondents shall inform said subscriber as to their obligations under Paragraphs 1 and 2 above and the requirements of this paragraph.

4. For purposes of Paragraphs 1, 2 and 3 above, Gerald Gutknecht and corporate respondent, within six (6) months after the effective date of this Order, shall be obligated to make refunds to subscribers who have requested refunds prior to the effective date of this Order. Any subscriber who has given notification for refund to respondents after the effective date of this Order shall be entitled to said refund within six (6) months from the date said notification is mailed or communicated and not on the date of receipt.

5. Gerald Gutknecht and corporate respondent shall refund within ten (10) days from the effective date of this Order all monies to persons who have ordered magazines, books or other publications totaling \$25 or more through respondents from January 1, 1974 to the effective date of this Order and who requested a subscription cancellation in writing within three (3) business days from sale thereof but which cancellation notice was not honored by respondents with no obligation on the part of any person so notified to return any magazines, books or other publications received pursuant to said subscription order.

6. Gerald Gutknecht and corporate respondent shall refund within six (6) months from the effective date of this Order all monies to persons who have ordered magazines, books or other publications totaling less than \$25 through

respondents from January 1, 1974 to the effective date of this Order and who requested a subscription cancellation in writing within three (3) business days from sale thereof but which cancellation notice was not honored by respondents with no obligation on the part of any person so notified to return any magazines, books or other publications received pursuant to said subscription order.

7. For purposes of complying with the provisions of Paragraphs 5 and 6 above, Gerald Gutknecht and corporate respondent shall make refunds to all subscribers who have given notice of cancellation and/or requested a refund and respondents have records of said notice or request within the time period as set forth in said Paragraphs. If respondents received any written or oral inquiry or notification by any subscriber that his or her three day notice of cancellation had been exercised and respondents have no record of such cancellation, respondents shall then send by first class mail to said subscriber, the written notification as set forth below within one (1) month after receipt of said inquiry or notification. Gerald Gutknecht and corporate respondent shall send the notification as set forth below and make any refunds to subscribers who inquired or notified a third party and said third party transferred said notification or inquiry to respondents.

The notification shall be as follows:

Dear Subscriber: This will acknowledge receipt of your inquiry relating to your three-day right of rescission. In order that we may properly handle this matter, please furnish us with a written statement within thirty (30) days of receipt of this letter setting forth the following: (1) the date of your purchase, (2) the dollar amount of your purchase, (3) the date you mailed your notice of cancellation to us, (4) a statement that you mailed your cancellation to us and it was not honored by us. To substantiate any of the above, please send any copies of any relevant documents that you may have in your possession.

If you are entitled to a refund, your refund will be sent to you within six (6) months from the date of receipt of your reply to this letter, if the total amount of your purchase was less than \$25. If, however, we did not honor your three day notice of cancellation and your purchase was \$25 or more, then your refund will be made within ten (10) days from date of receipt of your reply to this letter. If a refund is appropriate in either of the above situations, you will be entitled to the refund and will be under no obligation to return any magazine, book or other publication received by you pursuant to this purchase.

Yours truly,

CIRCULATION BUILDERS, INC.,
d/b/a PUBLISHERS SERVICE
COMPANY OF CALIFORNIA.

It is further ordered, That respondents shall maintain at all times in the future, for a period of not less than three (3)

years, all consumer complaints, notices of cancellation, and complete business records relative to the manner and form of their continuing compliance with each of the terms and provisions of this Order.

It is further ordered, That nothing contained in this Order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any private party or governmental agency or body or act as a defense to actions instituted by any private party or any municipal, state or federal regulatory agency or governmental body.

It is further ordered, That:

1. Respondents herein deliver, by registered mail, a copy of this Order to each of the present and future officers, employees, crew managers, crew chiefs, sales agents, solicitors, representatives and other persons engaged in the sale of said products or services;

2. Respondents provide each person so described in Paragraph 1 above, with a form returnable to the respondents clearly stating his intention to be bound by and to conform his business practices to the requirements of this order;

3. Respondents inform each of their present and future officers, employees, crew managers, crew chiefs, sales agents, representatives and other persons engaged in the sale of respondents' products or services that the respondents shall not use any third party, or the services of any third party if such third party will not agree to so file notice with the respondents and be bound by the provisions of the Order;

4. If such third party will not agree to so file notice with the respondents and be bound by provisions of the Order, the respondents shall not use such third party, or the services of such third party to solicit subscriptions;

5. Respondents inform the persons described in Paragraph 1 above that the respondents are obligated by this order to discontinue dealing with those persons who continue on their own the deceptive acts or practices prohibited by this order;

6. Respondents institute a program of continuing surveillance adequate to reveal whether the business operations of each said person described in Paragraph 1 above conform to the requirements of this order; and that

7. Respondents discontinue dealing with the persons so engaged, revealed by the aforesaid program of surveillance, who continue on their own the deceptive acts or practices prohibited by this Order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other

change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the individuals named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission Jan. 14, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-7670 Filed 3-17-76;8:45 am]

[Docket C-2777]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

STP Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.110 Endorsements, approval and testimonials; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; § 13.170-8 Anti-freeze; § 13.170-16 Cleansing, purifying; § 13.170-68 Preserving; § 13.170-70 Preventive or protective; § 13.175 Quality of product or service; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests. Subpart—Misrepresenting oneself and goods: § 13.1665 Endorsements; § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1720 Quantity; § 13.1740 Scientific or other relevant facts.—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 Nature; § 13.1885 Qualities or properties; § 13.1886 Quality, grade or type; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising; § 13.2275-70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpretations or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of STP Corporation, a Corporation, and Stern, Walters & Simmons, Inc., a Corporation

Consent order requiring a Fort Lauderdale, Fla., manufacturer of oil and gasoline additives and oil filters and its

Chicago, Ill., advertising agency, among other things to cease making false and misleading effectiveness claims and representations for its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

ORDER

A. It is ordered, That respondents STP Corporation, and Stern, Walters & Simmons, Inc., corporations, and their officers, successors, assigns, representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device:

1. In connection with the advertising, offering for sale, sale, or distribution of STP Oil Treatment, or any other product the customary or usual use of which is as an additive to motor oil, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that any such product:

a. Prevents cars which use it from experiencing mechanical breakdowns or from requiring repairs;

b. Cures or remedies mechanical malfunctions;

c. Eliminates friction or wear or is required to protect against friction or wear;

d. Acts or performs like or has the effect of antifreeze in the oil; or will enable cars to start, or to start more easily, in cold weather;

e. Is required in order to obtain lubrication from motor oil;

f. Is slipperier than motor oil alone.

2. In connection with the advertising, offering for sale, sale, or distribution of STP Oil Treatment, or any other product the customary or usual use of which is as an additive to motor oil, or which is advertised for such use, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the capacities, characteristics, or qualities of motor oil or of any grade or weight of motor oil.

B. It is further ordered, That respondents STP Corporation, and Stern, Walters & Simmons, Inc., corporations, and their officers, successors, assigns, representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device in connection with the advertising, offering for sale, sale or distribution of STP Gas Treatment, or any other product the customary or usual use of which is as an additive to gasoline, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that any such product:

1. Tunes an engine, or will provide the equivalent of a complete engine tune-up, or makes engine tune-ups unnecessary;

2. Provides any portion of an engine tune-up unless, in immediate conjunc-

tion therewith, respondents disclose, clearly and conspicuously, that the advertised product does not provide all of the features of a mechanical engine tune-up;

3. Cleans or helps to clean an entire engine without clearly designating the component or components or functional areas of the engine or other portions of the motor vehicle which are affected.

C. It is further ordered, That respondents STP Corporation, and Stern, Walters & Simmons, Inc., corporations, and their officers, successors, assigns, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution of oil filters in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do cease and desist from:

1. Representing, directly or by implication, that any such product:

a. Meets, conforms with, or exceeds any automotive manufacturers' specifications, or is approved by any automobile manufacturer for use in connection with any vehicle or engine, when such is not the fact;

b. "Double cleans" motor oil, or representing in any other manner that any such product filters motor oil more than once each time the oil flows through the filter canister except as provided in paragraph 2, immediately below, unless the motor oil flows through two or more filtering elements in series each time the motor oil flows through the filter canister.

2. Using the words "dual", "double", "double stage", "two filters in one", "two stage", "filter within a filter", or any other terminology which suggests the presence of more than one filtering element, to describe any automotive oil filter without clearly disclosing that the motor oil is filtered only once each time it flows through the filter canister, unless the motor oil flows through two or more filtering elements in series each time the motor oil flows through the filter canister. In television advertising, the disclosure that motor oil may be filtered only once each time it flows through the filter canister when such is the fact shall be made in such a manner that it is clearly disclosed.

D. It is further ordered, That respondents STP Corporation and Stern, Walters & Simmons, Inc., corporations, and their officers, successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of STP Oil Treatment, or any other product the customary or usual use of which is as an additive to motor oil, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from disseminating any advertisement in which a representation of benefit is made as to such product when used as an additive to motor oil unless (1) such representation is true; (2) respondent STP Corporation pos-

sesses and relies upon, prior to the time such representation is first made, a competent and reliable scientific test or tests or other objective data which substantiate such representation; or (3) with respect to respondent Stern, Walters & Simmons, Inc., respondent possesses and relies upon, prior to the time such representation is first made, a reasonable basis for such representation which shall consist of an opinion in writing signed by a person qualified by education and experience to render such an opinion (who, if qualified by education and experience, may be a person retained or employed by respondent's client) that a competent and reliable scientific test or tests or other objective data exist to substantiate such representation, provided that any such opinion also discloses the nature of such test or tests or other objective data and provided further that respondent neither knows, nor has reason to know, nor upon reasonable inquiry could have known, that such test or tests or other objective data do not in fact substantiate such representation or that any such opinion does not constitute a reasonable basis for such representation.

E. It is further ordered, That respondents STP Corporation and Stern, Walters & Simmons, Inc., corporations, and their officers, successors, assigns, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device in connection with the advertising, offering for sale, sale or distribution of STP Oil Treatment, STP Gas Treatment, STP Oil Filters, or any other product manufactured, sold or distributed by STP Corporation the customary or usual use of which is as an additive to motor oil or gasoline or as an oil filter, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do cease and desist from:

1. Advertising by or through the use of or in conjunction with any test, experiment, or demonstration or the result thereof, or any other information or evidence that appears or purports to confirm or prove, or is offered as confirmation, evidence, or proof of any fact, product characteristic or the truth of any representation, which does not accurately demonstrate, prove or confirm such fact, product characteristic, or representation.

2. Using any pictorial or other visual means of communication with or without an accompanying verbal text which directly or by implication creates a misleading impression in the minds of viewers as to the true state of material facts which are the subject of said pictures or other visual means of communication.

3. Misrepresenting in any manner or by any means any characteristic, property, quality, or the result of use of any such product.

It is further ordered, That respondents STP Corporation and Stern, Walters & Simmons, Inc., shall forthwith distribute a copy of this Order to each of their operating divisions and to each of their officers, agents, representatives or

¹ Copies of the Complaint, Decision and Order, filed with the original document.

employees engaged in the creation or approval of advertisements.

It is further ordered, That respondents STP Corporation and Stern, Walters & Simmons, Inc., notify the Commission at least thirty (30) days prior to any proposed change in said corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this Order.

It is further ordered, That respondents STP Corporation and Stern, Walters & Simmons, Inc., shall, within sixty (60) days after service of this Order upon them, file with the Commission, in writing, a report setting forth in detail the manner and form in which they have complied with this Order.

By the Commission. Commissioner Hanford dissented on the grounds that the Order is too weak and that STP should be explicitly required to qualify its future claims.

The Decision and Order was issued by the Commission Jan. 6, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-7671 Filed 3-17-76;8:45 am]

Title 18—Conservation of Power, Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-463; Docket No. RM76-6]

PART 35—FILING OF RATE SCHEDULES

Filing of Electric Service Tariff Changes Order Clarifying and Amending Prior Orders

ISSUED MARCH 12, 1976.

Amendment to § 35.13 of the Commission's Regulations Under the Federal Power Act.

On October 21, 1974, an Order Clarifying Prior Order in Docket No. R-463 was issued to clarify our intention in that rulemaking proceeding that the filing of Period II data was voluntary for companies seeking rate increases of less than one million dollars. To that end, Ordering Paragraph (A) of the October 21, 1974 order, stated:

(A) Section 35.13(b) (4) (iii) of the regulations under the Federal Power Act (Part I, Chapter C, Title 18 of the Code of Federal Regulations) is amended by adding the following sentence at the end of that section:

The filing requirements of Period II herein are voluntary for companies with applications for increases less than one million dollars.

It was the intention to place that sentence at the end of the first paragraph of text of Section 35.13(b) (4) (iii) and before the description of Statements A through P, instead of at the end of that section of the Regulations which was then Statement P—Price Stabilization Exhibit.

On January 20, 1976, in Docket No. RM76-6, the Commission issued Order No. 545, codifying the requirement that Period I data, when filed, should be for a period no more than seven months prior to the date a proposed notice of change in rates is filed. Ordering Paragraph (A) of Order No. 545, restated the amended text of the first paragraph of Section 35.13(b) (4) (iii) of the Regulations, without the sentence indicating that Period II data are not required for rate increases of less than one million dollars. Also omitted was the word "of" from the clause added to the regulations by that order.

We shall herein clarify our intention that the filing of Period II data is voluntary for companies with applications for rate increases of less than one million dollars. The sentence to that effect, as set out in our October 21, 1974, order in Docket No. R-463, should be at the end of the first paragraph of the text of Section 35.13(b) (4) (iii). That paragraph of the Regulations should therefore read in its entirety as follows:

(iii) The statement of the cost of service should contain unadjusted system costs for the most recent twelve consecutive months for which actual data are available (Period I) including return, taxes, depreciation, and operating expenses, and an allocation of such costs of the service rendered; *Provided, however*, that the last day of the 12 months of actual experience shall not be more than seven months prior to the date of tender for filing of the proposed notice of change in rates and charges. The statement of cost of service shall include an attestation by the chief accounting officer or other accounting representative of the filing public utility that the cost statements and supporting data submitted as a part of the filing which purport to reflect the books of the public utility do, in fact, set forth the results shown by such books. Following is a description of statements A through P required to be filed pursuant to this subparagraph. In addition, the public utility shall file statements A through P together with related work papers based on estimates for any twelve consecutive months beginning after the end of Period I but no later than the date the rates are proposed to become effective (Period II). Full explanation of the bases of each of the estimated figures shall be included. Period II shall be the "test period". The filing requirements of Period II herein are voluntary for companies with applications for increases less than one million dollars.

Insofar as the amendment herein ordered clarifies the Commission's prior orders and amends the Regulations to be consistent with the intention of such orders, the procedural requirements of the Administrative Procedure Act, 5 U.S.C. 533, of notice and opportunity to participate through submission of data, views, comments or suggestions, are not applicable to the amendment herein ordered.

The Commission finds: (1) The procedural requirements of notice and opportunity to participate through the submission, orally and in writing, of data views, comments, and suggestions, is not applicable to the amendment to the Commission's Regulations herein ordered in order to clarify the Commission's Regulations and make them consistent with the intention of our prior orders.

(2) The amendment to Section 35.13 in Chapter I, Title 18 of the Code of Federal Regulations herein prescribed is necessary and appropriate for the administration of the Federal Power Act.

The Commission, acting pursuant to the authority of the Federal Power Act, as amended, particularly Sections 205, 206, and 301 thereof, (16 U.S.C. 824, 825) orders:

(A) Our orders of October 21, 1974 in Docket No. R-463, and January 20, 1976 in Docket No. RM76-6 are clarified as hereinabove described.

(B) The first paragraph of Section 35.13(b) (4) (iii) of the Regulations under the Federal Power Act (Title 18 Part I, Subchapter B of the Code of Federal Regulations) is hereby amended to read:

(iii) The statement of the cost of service should contain unadjusted system costs for the most recent twelve consecutive months for which actual data are available (Period I) including return, taxes, depreciation, and operating expenses, and an allocation of such costs of the service rendered; *Provided, however*, that the last day of the 12 months of actual experience shall not be more than seven months prior to the date of tender for filing of the proposed notice of change in rates and charges. The statement of cost of service shall include an attestation by the chief accounting officer or other accounting representative of the filing public utility that the cost statements and supporting data submitted as a part of the filing which purport to reflect the books of the public utility do, in fact, set forth the results shown by such books. Following is a description of statements A through P required to be filed pursuant to this subparagraph. In addition, the public utility shall file statements A through P together with related work papers based on estimates for any twelve consecutive months beginning after the end of Period I but no later than the date the rates are proposed to become effective (Period II). Full explanation of the bases of each of the estimated figures shall be included. Period II shall be the "test period". The filing requirements of Period II herein are voluntary for companies with applications for increases less than one million dollars.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7743 Filed 3-17-76;8:45 am]

[Docket No. RM75-5; Order No. 542]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Reporting Cost of Environmental Protection Facilities and Activities; Correction

DECEMBER 2, 1975.

Order Amending FPC Annual Report Form No. 1 Attachment A, Respondents to Docket No. RM75-5, Page 57451, Published in the FEDERAL REGISTER on December 10, 1975, F.R. 40 (57450).

Insert "Virginia Electric and Power Company" between "Southern California Edison Company" and "Wisconsin Public Service Corporation" as set forth below:

Attachment

Respondents to Docket No. RM75-5.

Southern California Edison Company
Virginia Electric and Power Company
Wisconsin Public Service Corporation

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-7720 Filed 3-17-76; 8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[FRL 506-3; FAP5H5084/R21]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Benomyl

On May 8, 1975, notice was given (40 FR 20129) that E. I. DuPont de Nemours & Co., 6054 duPont Bldg., Wilmington, DE 19898, had filed a petition (FAP 5H5084) with the Environmental Protection Agency (EPA). This petition proposed that 21 CFR 561.50 be amended by establishing a tolerance for the combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on rice hulls at 20 parts per million when present therein as a result of preharvest application of the fungicide to the raw agricultural commodity rice. (A related document on benomyl amending 40 CFR 180.294 also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated, and it has been concluded that the tolerance should be established as proposed. The tolerance established by amending 21 CFR 561.50 will protect the public health.

Any person adversely affected by this regulation may, on or before April 19, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW., East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regula-

tion deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on March 18, 1976, Part 561, Subchapter E, § 561.50 is amended as set forth below.

(Sec. 409(c)(1) & (4), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1) & (4)))

Dated: March 15, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

Section 561.50 is amended by adding the paragraph "20 parts per million * * * after the paragraph "50 parts per million * * * as follows:

§ 561.50 Benomyl.

20 parts per million in or on rice hulls when present therein as a result of preharvest application of the fungicide to the raw agricultural commodity rice.

[FR Doc. 76-7816 Filed 3-17-76; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-347]

MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

Determining Value or Replacement Cost for Leasehold Estate

On August 22, 1975, an interim rule was published in the FEDERAL REGISTER (40 F.R. 36773) which amended Parts 205, 207, 213, 220, 221, 227, 231, 232, 234, 235, 242 and 244 of the Code of Federal Regulations to change the method for determining the value or replacement cost of a leasehold estate in order to permit variable ground rentals where leasehold estates are utilized in the various multifamily and health facility insurance programs. Interested persons were given 30 days to comment before publication of the final rule. No comments were received.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability, in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1), is available for inspection at the Office of the Rules Docket Clerk, Department of Housing and Urban Development, Room 10245, 451 Seventh Street, SW., Washington, D.C.

Accordingly, the interim rule amending Parts 205, 207, 213, 220, 221, 227, 231, 232, 234, 235, 242 and 244 of Title 24 is hereby adopted as a final rule without

change, as set forth below, except that the paragraph designated (d) under § 231.3 of Part 231 should be designated (c).

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT (TITLE X)

1. Section 205.57 is revised to read as follows:

§ 205.57 Reduced mortgage amount—leaseholds.

In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value or replacement cost of the property described in the mortgage shall be the value or replacement cost of the leasehold estate (as determined by the Commissioner) which shall in all cases be less than the value or replacement cost of the property in fee simple.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

2. Section 207.4(e) is revised to read as follows:

§ 207.4 Maximum mortgage amounts.

(e) *Reduced mortgage amount—leaseholds.* In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value or replacement cost of the property described in the mortgage shall be the value or replacement cost of the leasehold estate (as determined by the Commissioner) which shall in all cases be less than the value or replacement cost of the property in fee simple.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

3. Section 213.7(f) is amended to read as follows:

§ 213.7 Maximum insurable amounts.

(f) *Reduced mortgage amount—leaseholds.* In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value or replacement cost of the property described in the mortgage shall be the value or replacement cost of the leasehold estate (as determined by the Commissioner) which shall in all cases be less than the value or replacement cost of the property in fee simple.

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

4. Section 220.509 and its heading in the table of contents for the Part are revised to read as follows:

§ 220.509 Reduced mortgage amount—leaseholds.

In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value or replacement cost of the property described in the mortgage shall be the value or replacement

ment cost of the leasehold estate (as determined by the Commissioner) which shall in all cases be less than the value or replacement cost of the property in fee simple.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

5. Section 221.514(d) is revised to read as follows:

§ 221.514 Maximum mortgage amounts.

(d) *Reduced mortgage amount—leaseholds.* In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value or replacement cost of the property described in the mortgage shall be the value or replacement cost of the leasehold estate (as determined by the Commissioner) which shall in all cases be less than the value or replacement cost of the property in fee simple.

PART 227—ARMED SERVICES HOUSING—IMPACTED AREAS [SEC. 810]

6. Section 227.20 is revised to read as follows:

§ 227.20 Reduced mortgage amount—leaseholds.

In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value or replacement cost of the property described in the mortgage shall be the value or replacement cost of the leasehold estate (as determined by the Commissioner) which shall in all cases be less than the value or replacement cost of the property in fee simple. The mortgage amount shall be adjusted to the next lowest mortgage amount as stipulated in § 227.751 for individual mortgages.

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

7. Section 231.3(d) is revised to read as follows:

§ 231.3 Maximum mortgage amounts—new constructions.

(c) *Reduced mortgage amount—leaseholds.* In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value or replacement cost of the property described in the mortgage shall be the value or replacement cost of the leasehold estate (as determined by the Commissioner) which shall in all cases be less than the value or replacement cost of the property in fee simple.

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

8. Section 232.33 is revised to read as follows:

§ 232.33 Reduced mortgage amount—leaseholds.

In the event the mortgage is secured by a leasehold estate rather than a fee

simple estate, the value or replacement cost of the property described in the mortgage shall be the value or replacement cost of the leasehold estate (as determined by the Commissioner) which shall in all cases be less than the value or replacement cost of the property in fee simple.

PART 234—CONDOMINIUM OWNER-SHIP MORTGAGE INSURANCE

9. Section 234.540 is amended to read as follows:

§ 234.540 Reduced mortgage amount—leaseholds.

In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value or replacement cost of the property described in the mortgage shall be the value or replacement cost of the leasehold estate (as determined by the Commissioner) which shall in all cases be less than the value or replacement cost of the property in fee simple.

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

10. Section 235.535(b) is revised to read as follows:

§ 235.535 Maximum mortgage amounts.

(b) *Reduced mortgage amount—leaseholds.* In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value or replacement cost of the property described in the mortgage shall be the value or replacement cost of the leasehold estate (as determined by the Commissioner) which shall in all cases be less than the value or replacement cost of the property in fee simple.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

11. Section 242.29(b) is revised to read as follows:

§ 242.29 Adjustments and reduced mortgage amounts.

(b) *Reduced mortgage amount—leaseholds.* In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value or replacement cost of the property described in the mortgage shall be the value or replacement cost of the leasehold estate (as determined by the Commissioner) which shall in all cases be less than the value or replacement cost of the property in fee simple.

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES [TITLE XI]

12. Section 244.37 is amended to read as follows:

§ 244.37 Reduced mortgage amount—leaseholds.

In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value or replacement cost of the property described in the mortgage shall be the value or replacement cost of the leasehold estate (as determined by the Commissioner) which shall in all cases be less than the value or replacement cost of the property in fee simple.

(Section 7(d), Department of HUD Act (42 U.S.C. 3535(d)).)

Effective date. This amendment will be effective on March 18, 1976.

It is hereby certified that the economic and inflationary impacts of this final rule have been carefully evaluated in accordance with OMB Circular A-107.

DAVID S. COOK,
Assistant Secretary for Housing
Production and Mortgage
Credit—FHA Commissioner.

[FR Doc. 76-7818 Filed 3-17-76; 8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-926]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210-212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the programs. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the

Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authoriza-

tion of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community number
Florida	Polk	Davenport, town of	Mar. 1, 1976, emergency		120410.
Georgia	Columbia	Harlem, city of	do	July 18, 1975	130206.
Do.	Upson	Thomaston, city of	do	Apr. 11, 1975	130408.
Minnesota	Wilkin	Campbell, city of	do	Aug. 2, 1974	270521.
Missouri	De Kalb	Stewartsville, city of	do	Dec. 20, 1974	280117.
New Hampshire	Merrimack	Sutton, town of	do	June 28, 1974	330122.
New York	Dutchess	Clinton, town of	do	Dec. 20, 1974	361334.
Pennsylvania	Clarion	Monroe, township of	do	Jan. 3, 1975	422372.
Utah	Box Elder	Honeyville, town of	do	June 28, 1974	490008A.
				Jan. 2, 1976	
Illinois	Jefferson	Ina, village of	Mar. 2, 1976, emergency	Aug. 16, 1974	170307A.
Do.	Sangamon	Rochester, village of	do	Jan. 30, 1976	
Indiana	Clinton	Mulberry, town of	do	Mar. 21, 1975	170940.
Iowa	Linn	Alburnett, town of	do	Feb. 21, 1975	180358.
Kansas	Jackson	Hoyt, city of	do	Sept. 19, 1975	190092.
Massachusetts	Norfolk	Millis, town of	do	Dec. 20, 1974	200142.
New Hampshire	Grafton	Campton, town of	do	July 19, 1974	250244.
New Jersey	Atlantic	Buena Vista, township of	do	Apr. 5, 1974	330048.
Do.	Monmouth	Upper Freehold, township of	do	Dec. 20, 1974	340525.
New York	Jefferson	Antwerp, town of	do	Mar. 22, 1974	340332.
				Jan. 31, 1975	361560A.
				Jan. 9, 1976	
Utah	Sanpete	Unincorporated areas	do		490111.
Wyoming	Goshute	Torrington, town of	do	Mar. 15, 1974	560023A.
				Sept. 12, 1975	
California	Contra Costa	Moraga, town of	Mar. 3, 1976, emergency		060637.
Georgia	Lee	Leesburg, city of	do	Apr. 18, 1975	130348.
Idaho	Kootenai	Harrison, city of	do	Mar. 22, 1974	160080A.
Illinois	Piatt and Douglas	Atwood, village of	do	Dec. 19, 1975	
Indiana	Lake	Schneider, town of	do	Nov. 23, 1973	170543A.
Iowa	Chickasaw	Alta Vista, city of	do	Dec. 17, 1973	180143.
New York	Steuben	Caton, town of	do	Dec. 20, 1974	190065.
Do.	Madison	Nelson, town of	do		361539.
Do.	Allegany	West Almond, town of	do	Oct. 25, 1974	361293.
Ohio	Clermont	Batavia, village of	do	Jan. 17, 1975	361365.
Vermont	Windham	Halifax, town of	do	Nov. 30, 1973	390066.
Missouri	Clark	Revere, village of	do	Jan. 31, 1975	560281.
New York	Chenango	Gulford, town of	Mar. 4, 1976, emergency	Jan. 10, 1975	290083.
Do.	Dutchess	Pawling, village of	do	Feb. 14, 1975	361088.
North Carolina	Gates	Unincorporated areas	do	Feb. 14, 1975	361517.
North Dakota	Ramsey	Edmore, city of	do	Feb. 14, 1975	370103.
South Carolina	Anderson	Honea Path, town of	do	Feb. 21, 1975	380163.
Texas	Liberty	Liberty, city of	do	July 25, 1975	430016.
				Dec. 20, 1974	480441.
Illinois	Rock Island	East Moline, city of	Mar. 5, 1976, emergency		170587.
Do.	McHenry	Lakemoor, village of	do		170915 New.
Louisiana	Vernon	Rosepine, village of	do	Aug. 15, 1975	220346.
Maine	Penobscot	Patten, town of	do	Nov. 1, 1974	230115.
Texas	Henderson	Chandler, city of	do	June 28, 1974	480826.
Do.	Mason	Mason, city of	do	May 10, 1974	480467.
Vermont	Chittenden	Hinesburg, town of	do	Jan. 31, 1975	560322.
Arizona	Cochise	Huachuca City, city of	do	Dec. 28, 1973	040016A.
Missouri	St. Louis	Clayton, city of	Mar. 31, 1972, emergency	July 25, 1975	
Do.	Jefferson	Festus, city of	Feb. 14, 1976, regular	Apr. 5, 1974	290341A.
Do.	Mercer	Princeton, city of	Dec. 23, 1971, emergency	Dec. 20, 1974	290191A.
New York	Nassau	Freeport, village of	Feb. 14, 1976	Oct. 18, 1974	
Do.	do	Island Park, village of	Sept. 3, 1971, emergency	June 7, 1974	290225A.
Pennsylvania	Delaware	Brookhaven, borough of	Feb. 14, 1976	Nov. 28, 1975	360464A.
			Oct. 29, 1971, emergency	May 31, 1974	
			Feb. 14, 1976, regular		360471A.
			Nov. 26, 1971, emergency		
			Feb. 14, 1976, regular		
			Oct. 22, 1971, emergency		
			Feb. 14, 1976, regular		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969, as amended 39 F.R. 2787, Jan. 24, 1974.)

Issued: February 25, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc. 76-7638 Filed 3-17-76; 8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-099A]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Clearwater River, Idaho

This amendment changes the regulations for the Camas Prairie Railroad bridge across the Clearwater River at Lewiston, Idaho, to require that the draw open on signal if at least 3 hours notice

is given. This amendment was circulated as a public notice dated May 1, 1975, by the Commander, Thirteenth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75-099) on April 30, 1975, (40 FR 18794).

The original proposal was for openings to be made from 6 a.m. to 10 p.m. after at least ½ hour notice. The proposal was that from 10 p.m. to 6 a.m., the draw open only if notice was given before 9:30 p.m. Seven replies were received that had no

objection, no comment or accepted received. The bridge owner then requested that the openings be made if at least 3 hours notice is given at all times. After meetings among the bridge owner, the Port of Lewiston, and the Columbia River Towboat Association, the 3 hours notice was accepted. On this basis, the Coast Guard feels that the 3 hour notice will provide for the reasonable needs of navigation. This matter will be closely monitored and if further amendments seem appropriate, they may be made.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.761 immediately after § 117.760 to read as follows:

§ 117.761 Clearwater River at Lewiston, Idaho.

(a) *Camas Prairie Railroad Bridge, Mile 0.6.* The draw shall open on signal if at least 3 hours notice is given to the Camas Prairie Railroad, Lewiston, Idaho.

(b) *Signals.*—(1) The opening signal is two long blasts of a whistle, horn or other sound producing device.

(2) The acknowledging signal from the draw tender when the draw shall open is two long blasts.

(3) When the draw cannot open or must close immediately, the draw tender shall sound four short, rapid blasts which are repeated until acknowledged by the same signal from the vessel.

(4) A white flag by day or a white light at night swung in full circles at arm's length in full sight of and facing the drawbridge may be used in conjunction with sound signals.

(5) This bridge is equipped with an FM radiotelephone station and when communications have been established between the draw tender and an approaching vessel, the request for the bridge opening and answering acknowledgment may be given by radiotelephone and sound and visual signals may be omitted. If radiotelephone contact cannot be maintained, sound signals must be used.

(c) The owner of or agency controlling a bridge shall keep a copy of these regulations conspicuously posted, on both the upstream and downstream sides of the bridge, in such manner that it can be easily read at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1 (c) (4).)

Effective date. This revision shall become effective on April 19, 1976.

Dated: March 11, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc. 76-7765 Filed 3-17-76; 8:45 am]

[CGD 76-022]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Harlem River, N.Y.

This amendment modifies the regulations for the 103rd Street, Macombs Dam, and 207th Street bridges across the

Harlem River, N.Y. to include a provision that the draws will open as soon as possible for public vessels of the United States and of New York City upon notification to the proper authorities. This provision is required to assure the timely passage of these vessels. As this amendment does not effect navigation except as far as public vessels of the United States and of New York City are concerned, public procedure is considered unnecessary.

§ 117.160 [Amended]

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by inserting the words: "The draws of these bridges shall open as soon as possible for the passage of public vessels of the United States and New York City after such vessels have contacted the New York City Highway Department's Radio (Hotline) Room." Immediately following the last sentence in § 117.160 (h).

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4).)

Effective date. This revision shall become effective on April 19, 1976.

Dated: March 10, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc. 76-7762 Filed 3-17-76; 8:45 am]

[CGD 75-060]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Illinois River, Illinois

This amendment changes the regulations for the Burlington Northern railroad bridge at Beardstown, Illinois, to provide for an automated radar detection system and radiotelephone communications to be used in conjunction with the raising and lowering of the draw of the bridge. This amendment was circulated as a public notice dated April 4, 1975, by the Commander, Second Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75-060) on April 1, 1975, (40 FR 14604). Five responses were received. None of these objected to the proposal, however, several changes were suggested. After a thorough examination of these suggestions, the use of the radiotelephone on channel 16 by the bridge operator to inform vessels immediately prior to the draw being raised or lowered has been incorporated in this regulation. Channel 16 will also be used by vessels when communicating with the bridge operator. Editorial changes have been made for clarity.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.604 immediately prior to § 117.605 to read as follows:

§ 117.604 Illinois River—Automated Burlington Northern Railroad Bridge at Beardstown, Illinois.

(a) The liftspan of the railroad bridge, mile 88.3, at Beardstown, Illinois, will

normally be maintained in the open position, providing a minimum vertical clearance of 68.4 feet above normal pool.

(1) When a vessel is approaching, and the liftspan is in the open position, contact shall be established by radiotelephone with the remote operator to assure that the liftspan will remain open until passage has been completed.

(2) When a vessel is approaching, and the liftspan is in the closed position, contact shall be established by radiotelephone with the remote operator. If the liftspan CANNOT be opened promptly, alternate flashing red lights shall then be displayed. If the liftspan SHALL open promptly, flashing amber lights shall be displayed.

(3) When a train approaches the bridge and the liftspan is in the open position, alternate flashing red lights on top of the drawspan shall commence flashing and a horn shall sound four short blasts. The remote operator shall scan the river on radar to determine whether any vessels are approaching the bridge. The remote operator shall also broadcast his intentions to lower the liftspan. If a vessel or vessels are approaching the bridge within one mile, as determined by radar scanning, response to radio broadcast, or electronic detector, the flashing red lights shall be changed to flashing amber and the liftspan remain in the fully open position until such vessel or vessels have cleared the bridge. If no vessels are approaching the bridge or are beneath the liftspan, the alternate flashing red lights shall continue to flash and the liftspan shall be lowered and locked in place.

(4) After the train has cleared the bridge, the draw shall be raised to its full height and locked in place; the red flashing lights will stop and drawspan lights changed from red to green indicating the navigation channel is clear for the passage of vessels.

(b) The owner of or agency controlling this bridge shall keep the provisions of this regulation conspicuously posted on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4).)

Effective date. This revision shall become effective on April 19, 1976.

Dated: March 10, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc. 76-7764 Filed 3-17-76; 8:45 am]

[CGD 75-024]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Matanzas River, Florida

This amendment changes the regulations for the Bridge of Lions drawbridge across the Matanzas River, St. Augustine, Florida, to permit additional closed periods from 7 a.m. to 6 p.m. This amend-

ment was circulated as a public notice dated February 4, 1975, by the Commander, Seventh Coast Guard District, and was published in the *FEDERAL REGISTER* as a notice of proposed rule making (CGD 75-024) on January 29, 1975, (40 FR 4318). Due to the objections received, this proposal was rejected by the Coast Guard on May 30, 1975. On June 26, 1975, the Mayor of St. Augustine held a hearing concerning further restrictions on the openings of the draw of the Bridge of Lions. As a result of the comments at this hearing and of resolutions by the City of St. Augustine and St. Johns County, the Coast Guard granted the Florida Department of Transportation permission to restrict the openings of the draw from 6 a.m. to 6 p.m., from July 14 to September 1, 1975. In addition the draw was not required to open at 8 a.m., 12 noon, and 5:30 p.m. This was done to determine the validity of the need for this change. The public was requested to comment on the impact of the temporary regulations.

Seventeen letters and three petitions with 1,283 signatures were received favoring this proposed change. One letter of objection was received which expressed the belief that the narrow roads and multiple traffic lights leading to the Bridge of Lions were more responsible for the bridge traffic problems than the draw openings. This is a valid point and was seriously considered, however, the openings do play a significant role and this objection was therefore rejected. The local shrimp industry objected to restricting the openings between 6 a.m. and 7 a.m. A study of the vehicular traffic during this period did not justify restrictions for this period. The Florida Department of Transportation was requested to delete this period and did so. A review of the traffic patterns determined that the 8 a.m., 12 noon, and 5:30 p.m., closed periods were not justified on Saturdays, Sundays, and legal holidays. The St. Augustine Bridge Committee, the City of St. Augustine, and the Florida Department of Transportation had no objection to their deletion and this has therefore been done. The use of light signals in lieu of sound signals by the draw-tender to acknowledge requests for openings is approved. This was originally proposed on January 29, 1975, and no objections to this were received. This signal shall be used in conjunction with sound signals when conditions are such that sound signals may not be heard. The Coast Guard feels that the amended regulations as presented below will meet the reasonable needs of navigation and provide a better flow of land transportation. This matter will be closely monitored and if additional changes appear necessary, the Coast Guard will take action as required.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.432 to read as follows:

§ 117.432 Matanzas River (Intracoastal Waterway), Fla.; Bridge of Lions (State Road No. A-1-A), St. Augustine, Fla.

(a) The draw shall open on signal, except that:

(1) From 7 a.m. to 6 p.m., Monday through Friday, except legal holidays, the draw shall open only on the hour and half-hour if any vessels are waiting to pass. However, the draw need not open at 8 a.m., 12 noon, and 5:30 p.m.

(2) From 7 a.m. to 6 p.m., Saturdays, Sundays, and legal holidays, the draw shall open only on the hour and half-hour if any vessels are waiting to pass.

(b) The draw shall open at any time on signal for the passage of public vessels of the United States, tugs with tows and vessels in distress. The signal from such vessels is four blasts of a whistle or horn or by shouting.

(c) Signals for all vessels other than those covered in paragraph (b) of this section.

(1) Call signals for opening of draw-bridge or passing through an open draw.

(i) *Sound signals.* Three short blasts of a whistle, horn or siren, or by shouting.

(ii) *Visual signals.* A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw. This signal shall be used in conjunction with sound signals when conditions are such that sound signals may not be heard.

(2) Acknowledging signals to be given by operator of the drawbridge.

(i) *Sound signals.* None required.

(ii) *Visual signals.* (A) When the draw cannot be opened promptly or when draw is opened and is to be closed for any reason, the signal is two red lights flashed *alternately*; or a red flag by day or a red light by night, swung in vertical circles at arm's length in full sight of the vessel.

(B) When the draw can be opened promptly, the signal is two amber lights flashed *alternately*; or a white flag by day or a white light by night swung in vertical circles at arm's length in full sight of the vessel.

(C) When draw is open for passage, the signal is two green lights flashed *alternately*; or a green flag by day or a green light by night, swung in vertical circles at arm's length in full sight of the vessel.

NOTE: The two red, amber and green light units will be located on the northwest and southeast towers on the bridge. They will be oriented with respect to the existing channel, and flashed for about 10 seconds duration with alternate flashes not to exceed two seconds each and be provided with candlepower sufficient to be readily visible to approaching waterborne traffic for at least ½ mile.

(d) No vessel shall attempt to navigate the draw of the bridge until the green light or green flag acknowledging signals are given.

(e) When vessels are approaching a bridge from the same direction, each vessel shall give the call signal for opening the draw.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4).)

Effective date. This revision shall become effective on April 19, 1976.

Dated: March 10, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc. 76-7763 Filed 3-17-76; 8:45 am]

[CGD 75-110]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Category of Single Outboard Motors Rated Greater Than 150 Horsepower

• Purpose. This amendment adds a new category of single outboard motors rated greater than 150 horsepower to Table 183.67(a).

On September 19, 1975, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (40 FR 43226). The notice proposed that an additional category of weights for single outboard motors rated greater than 150 horsepower be added to Table 183.67(a).

One written comment was received. The comment pointed out an editorial error in Table 183.67(a); i.e. the first horsepower rating should be "under 4.0" rather than "under 4.1". The second category should be "4.0 to 5" rather than "4.1 to 5".

As a result of this comment the table is corrected as suggested.

§ 183.67 [Amended]

The Coast Guard noted that the unit of measure—pounds—was omitted from the caption of Table 183.67(a). The words "in pounds" are added so the caption reads "Weights (in pounds) of outboard motors and related equipment for various boat horsepower ratings."

The amendments are adopted with changes as set forth below.

Effective date. This regulation shall become effective on September 15, 1976.

NOTE: Affected persons may voluntarily comply with this amendment prior to

(46 U.S.C. 1454 and 1456)

Dated: March 11, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

TABLE 183.67(a).—Weights (in pounds) of outboard motor and related equipment for various boat horsepower ratings

Boat horsepower rating	Motor and control weight		Battery weight		Full portable fuel tank weight ¹	
	Dry	Wet ²	Dry	Wet ²	Dry	Wet ²
Under 4.0.....	35	20				
4.0 to 5.....	55	34			25	-1
5.1 to 10.....	70	56	20	11	80	-1
10.1 to 30.....	105	86	45	25	80	-1
30.1 to 50.....	190	138	45	25	100	-3
50.1 to 75.....	240	173	45	25	100	-3
75.1 to 150.....	305	218	45	25	100	-3
150.1 to 250.....	420	300	45	25	100	-3
Transoms designed for twin motors:						
60.0 to 100.....	380	268	45	25	100	-3
100.1 to 150.....	480	328	45	25	100	-3
150.1 to 300.....	610	413	45	25	100	-3

¹ Wet in this case means submerged.

² If the boat has a permanent built-in fuel tank, the tank should be full for the test and the "full portable fuel tank weight" excluded.

[FR Doc.76-7760 Filed 3-17-76; 8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 4—SCHEDULE FOR RATING DISABILITIES

Updating the Schedule for Rating Disabilities

On page 4023 of the FEDERAL REGISTER of January 28, 1976, there was published a notice of proposed regulatory development to amend Part 4, Title 38, Code of Federal Regulations, to update the Schedule for Rating Disabilities to reflect increased evaluations for lupus erythematosus, phlebitis or thrombophlebitis, cirrhosis and abscess of the liver, ventral hernia and postoperative wounds and fistula of the urethra. In addition, new rating codes and criteria have been established for new growths, both malignant and benign, of the muscles and for vagotomy with pyloroplasty or gastroenterostomy. Also, the criteria for intervertebral disc syndrome, tinnitus and intermittent claudication have been revised.

Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposed regulations.

Four comments, all of which were dated prior to February 27, 1976, have been received.

One comment was received which suggests amending §§ 4.10 and 4.27 by including psychologists as individuals qualified to perform disability evaluation examinations. This suggestion was not accepted and the writer was informed that the rating schedule is primarily an instrument for evaluation and that it is not thought to be a proper repository for listing those qualified to perform examinations.

One comment suggests changes in the instructional material contained in § 4.1 through 4.24, particularly with respect to accepting statements from physicians and fellow workers for purposes of evaluating disability. Such evidence has always been acceptable, but it must be considered together with all other evi-

dence of record including Veterans Administration examinations.

One comment was received which recommended that lumbosacral strain be eliminated from the rating schedule as not representing a clinical or pathological entity. Also, that splenectomy and removal of uterus and ovaries or both in post-menopausal women be eliminated from the rating schedule since these conditions leave no residual disability. Further, there is no logical reason for giving special monthly compensation for loss of, or loss of use of, a creative organ in a female past the child bearing age and that age limits should be established pertaining to the foregoing compensation. These recommendations were not accepted. Lumbosacral strain continues to be considered a diagnostic entity and appears in the current medical literature such as Harrison's Principles of Internal Medicine, 7th Edition, 1974. Further, there were over 3000 claims in which a definitive diagnosis of lumbosacral strain was made and service connection established in the past year. We do not have adequate current data on which to premise rating schedule changes for splenectomy and removal of female organs. These disabilities will receive continuing study along with all other aspects of the rating schedule. Special monthly compensation for loss of use of creative organs is predicated upon statute, hence the Veterans Administration is without authority to effectuate changes in this area.

One comment was received which seeks to eliminate § 4.23 as being suggestive of an inherent hostility among veterans and pre-sets the attitude of interviewers. This suggestion was not accepted. § 4.23 is essential to the protection of the rights of the claimant and is placed in the rating schedule as a constant reminder to rating officials that it is their obligation to assist claimants, without getting involved in conflict, in developing facts pertinent to their claims and to render with a fair and impartial mind a decision that grants the claimant every benefit to which he or she is entitled under the law.

Since no other comments have been received, the proposed regulations are

hereby adopted without change and are set forth below.

Effective dates. An amendment to Appendix A, Table of Amendments and Effective Dates since 1946, is added to include effective dates.

The effective date is March 10, 1976.

Approved: March 10, 1976.

[SEAL] RICHARD L. ROUDEBUSH,
Administrator.

APPENDIX A

TABLE OF AMENDMENTS AND EFFECTIVE DATES SINCE 1946

1. Section 4.29 is revised to read as follows:

4.29 Introductory portion preceding paragraph (a); March 1, 1963.

Paragraph (a) "first day of continuous hospitalization"; April 8, 1959.

Paragraph (a) "terminated last day of month"; December 1, 1962.

Paragraph (a) penultimate sentence; November 13, 1970.

Paragraph (b); April 8, 1959.

Paragraph (c); August 16, 1948.

Paragraph (d); August 16, 1948.

Paragraph (e); April 8, 1959.

NOTE: Application of this section to psychoneurotic and psychophysiological disorders effective October 1, 1961.

2. Section 4.30 is revised to read as follows:

4.30 Introductory portion preceding paragraph (a); July 6, 1950.

Paragraph (a); June 9, 1952.

Paragraph (b); June 9, 1952.

Paragraph (c); June 9, 1952. Effective as to outpatient treatment March 10, 1976. Last paragraph; March 2, 1960.

3. Section 4.71a is revised to read as follows:

4.71a Diagnostic Code 5000—60%; February 1, 1962.

Diagnostic Code 5000 Note (2):

First three sentences; July 10, 1956.

Last sentence; July 6, 1950.

Diagnostic Code 5002—100%, 60%, 40%, 20%; March 1, 1963.

Diagnostic Code 5003; July 6, 1950.

Diagnostic Code 5012—Note; March 10, 1976.

In sentence following DC 5024: "except gout which will be rated under 5002"; March 1, 1963.

Diagnostic Code 5164—60%; June 9, 1952.

Diagnostic Code 5172; July 6, 1950.

Diagnostic Code 5173; June 9, 1952.

Diagnostic Code 5174; September 9, 1975.

Diagnostic Code 5255 "or hip"; July 6, 1950.

Diagnostic Code 5257—Evaluations; July 6, 1950.

Diagnostic Code 5264; September 9, 1975.

Diagnostic Code 5297—(Removal of one rib) "or resection of 2 or more"; August 23, 1948.

Diagnostic Code 5297—Note (2):

Reference to lobectomy, pneumonectomy and graduated ratings; February 1, 1962.

Diagnostic Code 5298; August 23, 1948.

4. Section 4.73 is revised to read as follows:

4.73 Diagnostic Code 5324; February 1, 1962.

Diagnostic Code 5327; March 10, 1976.

Diagnostic Code 5328; March 10, 1976.

5. Section 4.84a is revised to read as follows:

4.84a Diagnostic Code 6029—Note; August 23, 1948.

Diagnostic Code 6035; September 9, 1975.
 Diagnostic Code 6076—60%: Vision 1 eye 15/200 and other eye 20/100; August 23, 1948.
 Diagnostic Code 6080—Note—"as to 38 U.S.C. 314(L)"; July 6, 1950.
 Diagnostic Code 6081—Words "unilateral", "minimal" and all of Note; March 10, 1976.

6. Section 4.84b is revised to read as follows:

4.84b Diagnostic Code 6260—As to tinnitus due to arteriosclerosis.
 DC 8046; October 1, 1961.
 10% Evaluation and Criterion; March 10, 1976.

7. Section 4.86a is added to read as follows:

4.86a March 23, 1956.

8. Section 4.87 is revoked.

4.87 [Removed]

9. Section 4.88a is revised to read as follows:

4.88a Diagnostic Code 6304—Notes (1) and (2); August 23, 1948.
 Diagnostic Code 6309; March 1, 1963.
 Diagnostic Code 6350; 80% Evaluation and Criterion for 60% and 30% Evaluations; March 10, 1976. Other Evaluations and Note; March 1, 1963.

10. Section 4.97 is revised to read as follows:

4.97 Diagnostic Code 6600—100% Evaluations and Criteria for 60%; September 9, 1975.

Diagnostic Code 6602—Criteria for all Evaluations and Note; September 9, 1975.
 Diagnostic Code 6603; September 9, 1975.
 Second note following Diagnostic Code 6724; December 1, 1949.

Diagnostic Code 6802—Criteria for all Evaluations; September 9, 1975.

Diagnostic Code 6819—Note; March 10, 1976.

Diagnostic Code 6821—Evaluations and Note; August 23, 1948.

11. Section 4.104 is revised to read as follows:

4.104 Diagnostic Code 7000—30%; July 6, 1950.

Diagnostic Code 7005—100% Evaluation for Chronic Residuals; September 9, 1975.

Diagnostic Code 7015—100% Evaluation, Criteria for All Evaluations and Notes (1) and (2); September 9, 1975.

Diagnostic Code 7016; September 9, 1975.

Diagnostic Code 7100—20%; July 6, 1950.

Diagnostic Code 7101 "or more"; September 1, 1960.

Diagnostic Code 7101—Note (2); September 9, 1975.

Diagnostic Code 7110—Criteria for 100% Note and 60% and 20% Evaluations; September 9, 1975.

Diagnostic Code 7111—Note; September 9, 1975.

Diagnostic Codes 7114, 7115, 7116 and Note; June 9, 1952.

Diagnostic Code 7117 and Note; June 9, 1952.

Note following Diagnostic Code 7120; July 6, 1950.

Diagnostic Code 7121—100% Criterion and Evaluation and 60% Criterion; March 10, 1976. Criteria for 30% and 10% and Note; July 6, 1950.

Last sentence of Note following Diagnostic Code 7122; July 6, 1950.

12. Section 4.114 is revised to read as follows:

4.114 Diagnostic Codes 7304 and 7305—Evaluations; November 1, 1962.

Diagnostic Code 7308—Evaluations; April 8, 1959.

Diagnostic Code 7312—70% Evaluation and 50% Evaluation and Criterion; March 10, 1976.

Diagnostic Code 7313—20% Evaluation; March 10, 1976.

Diagnostic Code 7319—Evaluations; November 1, 1962.

Diagnostic Code 7321—Evaluations and Note; July 6, 1950.

Diagnostic Code 7328—Evaluations and Note; November 1, 1962.

Diagnostic Code 7329—Evaluations and Note; November 1, 1962.

Diagnostic Code 7330—60% Evaluation; November 1, 1962.

Diagnostic Code 7332—60% Evaluation; November 1, 1962.

Diagnostic Code 7334—50% and 30% Evaluations; July 6, 1950.

Diagnostic Code 7334—10% Evaluation; November 1, 1962.

Diagnostic Code 7339—Criterion for 20% Evaluation; March 10, 1976.

Diagnostic Code 7343—Note; March 10, 1976.

Diagnostic Code 7345—100%, 60% and 30% Evaluations; August 23, 1948.

Diagnostic Code 7345—10% Evaluation; February 17, 1955.

Diagnostic Code 7346—Evaluations; February 1, 1962.

Diagnostic Code 7347; September 9, 1975.

Diagnostic Code 7348; March 10, 1976.

13. Section 4.115a is revised to read as follows:

4.115a Diagnostic Code 7500—Note; July 6, 1950.

Diagnostic Code 7519—20%, 40% and 60% Evaluations; March 10, 1976.

Diagnostic Code 7524—Note; July 6, 1950.

Diagnostic Code 7528—Note; March 10, 1976.

Diagnostic Code 7530; September 9, 1975.

Diagnostic Code 7531; September 9, 1975.

14. Section 4.116a is added to read as follows:

4.116a Diagnostic Code 7627—Note; March 10, 1976.

15. Section 4.117 is revised to read as follows:

4.117 Diagnostic Code 7703—Evaluations; August 23, 1948.

Diagnostic Code 7709—Note; March 10, 1976. Evaluations; June 9, 1952.

Diagnostic Code 7714; September 9, 1975.

16. Section 4.119 is revised to read as follows:

4.119 Diagnostic Code 7911—Evaluations and Note; March 1, 1963.

Diagnostic Code 7913—Note; September 9, 1975.

Diagnostic Code 7914—Note; March 10, 1976.

17. Sections 4.125-4.132 are revised to read as follows:

4.125-4.132 All Diagnostic Codes under Mental Disorders; October 1, 1961, except as to evaluation for Diagnostic Codes 9500 through 9511; September 9, 1975.

1. Sections 4.1 and 4.2 are revised to read as follows:

§ 4.1 Essentials of evaluative rating.

This rating schedule is primarily a guide in the evaluation of disability resulting from all types of diseases and injuries encountered as a result of or incident to military service. The percentage ratings represent as far as can practically be determined the average impairment in earning capacity resulting from such diseases and injuries and their residual conditions in civil occupations. Generally, the degrees of disability specified are considered adequate to compensate for considerable loss of working time from exacerbations or illnesses proportionate to the severity of the several grades of disability. For the application of this schedule, accurate and fully descriptive medical examinations are required, with emphasis upon the limitation of activity imposed by the disabling condition. Over a period of many years, a veteran's disability claim may require reratings in accordance with changes in laws, medical knowledge and his or her physical or mental condition. It is thus essential, both in the examination and in the evaluation of disability, that each disability be viewed in relation to its history.

§ 4.2 Interpretation of examination reports.

Different examiners, at different times, will not describe the same disability in the same language. Features of the disability which must have persisted unchanged may be overlooked or a change for the better or worse may not be accurately appreciated or described. It is the responsibility of the rating specialist to interpret reports of examination in the light of the whole recorded history, reconciling the various reports into a consistent picture so that the current rating may accurately reflect the elements of disability present. Each disability must be considered from the point of view of the veteran working or seeking work. If a diagnosis is not supported by the findings on the examination report or if the report does not contain sufficient detail, it is incumbent upon the rating board to return the report as inadequate for evaluation purposes.

2. Sections 4.9 and 4.10 are revised to read as follows:

§ 4.9 Congenital or developmental defects.

Mere congenital or developmental defects, absent, displaced or supernumerary parts, refractive error of the eye, personality disorder and mental deficiency are not diseases or injuries in the meaning of applicable legislation for disability compensation purposes.

§ 4.10 Functional impairment.

The basis of disability evaluations is the ability of the body as a whole, or of the psyche, or of a system or organ of the body to function under the ordinary conditions of daily life including employment. Whether the upper or lower ex-

tremities, the back or abdominal wall, the eyes or ears, or the cardiovascular, digestive, or other system, or psyche are affected, evaluations are based upon lack of usefulness, of these parts or systems, especially in self-support. This imposes upon the medical examiner the responsibility of furnishing, in addition to the etiological, anatomical, pathological, laboratory and prognostic data required for ordinary medical classification, full description of the effects of disability upon the person's ordinary activity. In this connection, it will be remembered that a person may be too disabled to engage in employment although he or she is up and about and fairly comfortable at home or upon limited activity.

3. Section 4.21 is revised to read as follows:

§ 4.21 Application of rating schedule.

In view of the number of atypical instances it is not expected, especially with the more fully described grades of disabilities, that all cases will show all the findings specified. Findings sufficiently characteristic to identify the disease and the disability therefrom, and above all, coordination of rating with impairment of function will, however, be expected in all instances.

4. Sections 4.23, 4.24 and 4.25 are revised to read as follows:

§ 4.23 Attitude of rating officers.

It is to be remembered that the majority of applicants are disabled persons who are seeking benefits of law to which they believe themselves entitled. In the exercise of his or her functions, rating officers must not allow their personal feelings to intrude; an antagonistic, critical, or even abusive attitude on the part of a claimant should not in any instance influence the officers in the handling of the case. Fairness and courtesy must at all times be shown to applicants by all employees whose duties bring them in contact, directly or indirectly, with the Administration's claimants.

§ 4.24 Correspondence.

All correspondence relative to the interpretation of the schedule for rating disabilities, requests for advisory opinions, questions regarding lack of clarity or application to individual cases involving unusual difficulties, will be addressed to the Director, Compensation and Pension Service. A clear statement will be made of the point or points upon which information is desired, and the complete case file will be simultaneously forwarded to Central Office. Rating agencies will assure themselves that the recent report of physical examination presents an adequate picture of the claimant's condition. Claims in regard to which the schedule evaluations are considered inadequate or excessive, and errors in the schedule will be similarly brought to attention.

§ 4.25 Combined ratings table.

Table I, Combined Ratings Table, results from the consideration of the efficiency of the individual as affected first by the most disabling condition, then by the less disabling condition, then by other less disabling conditions, if any, in the order of severity. Thus, a person having a 60 percent disability is considered 40 percent efficient. Proceeding from this 40 percent efficiency, the effect of a further 30 percent disability is to leave only 70 percent of the efficiency remaining after consideration of the first disability, or 28 percent efficiency altogether. The individual is thus 72 percent disabled, as shown in table I opposite 60 percent and under 30 percent. To use table I, the disabilities will first be arranged in the exact order of their severity, beginning with the greatest disability and then combined with use of table I as herein-after indicated. For example, if there are two disabilities, the degree of one disability will be read in the left column and the degree of the other in the top row, whichever is appropriate. The figures appearing in the space where the column and row intersect will represent the combined value of the two. This combined value will then be converted to the nearest number divisible by 10, and combined values ending in 5 will be adjusted upward. Thus, with a 50 percent disability and a 30 percent disability, the combined value will be found to be 65 percent, but the 65 percent must be converted to 70 percent to represent the final degree of disability. Similarly, with a disability of 40 percent, and another disability of 20 percent, the combined value is found to be 52 percent, but the 52 percent must be converted to the nearest degree divisible by 10, which is 50 percent. If there are more than two disabilities, the disabilities will also be arranged in the exact order of their severity and the combined value for the first two will be found as previously described for two disabilities. This combined value, exactly as found in table I will be combined with the degree of the third disability (in order of severity). The combined value for the three disabilities will be found in the space where the column and row intersect, and if there are only three disabilities will be converted to the nearest degree divisible by 10; adjusting final 5's upward. Thus, if there are three disabilities ratable at 60 percent, 40 percent, and 20 percent, respectively, the combined value for the first two will be found opposite 60 and under 40 and is 76 percent. This 76 will be combined with 20 and the combined value for the three is 81 percent. This combined value will be converted to the nearest degree divisible by 10 which is 80 percent. The same procedure will be employed when there are four or more disabilities. (See table I.)

5. The combined ratings table immediately following § 4.25 is redesignated Table I, Combined Ratings Table. This table without change reads as follows:

TABLE I
COMBINED RATINGS TABLE
(10 combined with 10 is 19)

	10	20	30	40	50	60	70	80	90
19.	27	37	43	51	60	68	76	84	92
20.	28	36	44	52	60	69	78	84	93
21.	29	37	45	53	61	69	78	84	92
22.	30	38	43	51	61	69	77	84	92
23.	31	38	46	54	62	69	77	85	93
24.	32	39	47	54	62	70	78	85	93
25.	33	40	48	55	63	70	78	85	93
26.	33	41	49	56	63	70	78	85	93
27.	34	42	49	56	64	71	78	85	93
28.	35	42	50	57	64	71	78	86	94
29.	36	43	50	57	65	72	79	86	94
30.	37	44	51	58	65	72	79	86	94
31.	38	45	52	59	66	73	79	86	94
32.	39	46	52	60	66	73	80	86	94
33.	40	46	53	60	67	73	80	87	95
34.	41	47	54	60	67	74	80	87	95
35.	42	48	55	61	68	74	81	87	95
36.	42	49	55	62	68	74	81	87	95
37.	43	50	56	62	69	75	81	87	95
38.	44	50	57	63	69	75	81	88	95
39.	45	51	57	63	70	76	82	88	95
40.	46	52	58	64	70	76	82	88	95
41.	47	53	59	65	71	76	82	88	95
42.	48	54	59	65	71	77	83	88	95
43.	49	54	60	66	72	77	83	89	95
44.	50	55	61	66	72	78	83	89	95
45.	51	56	62	67	73	78	84	89	95
46.	51	57	62	68	73	78	84	89	95
47.	52	58	63	68	74	79	84	89	95
48.	53	58	64	69	74	79	84	90	95
49.	54	59	64	69	75	80	85	90	95
50.	55	59	65	70	76	80	85	90	95
51.	56	61	66	71	76	80	85	90	95
52.	57	62	66	71	76	81	86	90	95
53.	58	62	67	72	77	81	86	91	95
54.	58	63	68	72	77	82	86	91	95
55.	60	64	69	73	78	82	87	91	95
56.	60	65	70	74	78	82	87	91	95
57.	61	66	70	74	79	83	87	91	95
58.	62	66	71	75	79	83	87	92	95
59.	63	67	71	76	80	84	88	92	95
60.	64	68	72	76	80	84	88	92	95
61.	65	69	72	77	81	84	88	92	95
62.	66	70	73	77	81	85	89	92	95
63.	67	70	74	78	82	85	89	93	95
64.	68	71	75	78	82	86	89	93	95
65.	69	72	76	79	83	86	90	93	95
66.	69	73	76	80	83	86	90	93	95
67.	70	74	77	80	84	87	90	93	95
68.	71	74	78	81	84	87	90	94	95
69.	72	75	78	81	85	88	91	94	95
70.	73	76	79	82	85	88	91	94	95
71.	74	77	80	83	86	88	91	94	95
72.	75	78	80	83	86	89	92	94	95
73.	76	78	81	84	87	89	92	95	95
74.	77	79	82	84	87	90	92	95	95
75.	78	80	83	85	88	90	93	95	95
76.	78	81	83	86	88	90	93	95	95
77.	79	82	84	86	89	91	93	95	95
78.	80	82	85	87	89	91	93	96	95
79.	81	83	86	87	90	92	94	96	95
80.	83	84	86	88	90	92	94	96	95
81.	83	85	87	89	91	92	94	96	95
82.	84	85	87	89	91	93	95	96	95
83.	85	86	88	90	92	93	95	97	95
84.	86	87	89	90	92	94	95	97	95
85.	87	88	90	91	93	94	96	97	95
86.	87	89	90	92	93	94	96	97	95
87.	88	90	91	92	94	95	96	97	95
88.	89	90	92	93	94	95	96	98	95
89.	90	91	92	93	95	96	97	98	95
90.	91	92	93	94	95	96	97	98	95
91.	92	93	94	95	96	97	98	99	95
92.	92	94	94	95	96	97	98	98	95
93.	94	94	95	96	97	97	98	98	95
94.	95	95	96	96	97	98	98	99	95

selection of the applicable code number and in its citation on the rating sheet. No other numbers than those listed or hereafter furnished are to be employed for rating purposes, with an exception as described in this section, as to unlisted conditions. When an unlisted disease, injury, or residual condition is encountered, requiring rating by analogy, the diagnostic code number will be "built-up" as follows: The first 2 digits will be selected from that part of the schedule most closely identifying the part, or system, of the body involved; the last 2 digits will be "99" for all unlisted conditions. This procedure will facilitate a close check of new and unlisted conditions, rated by analogy. In the selection of code numbers, injuries will generally be represented by the number assigned to the residual condition on the basis of which the rating is determined. With diseases, preference is to be given to the number assigned to the disease itself; if the rating is determined on the basis of residual conditions, the number appropriate to the residual condition will be added, preceded by a hyphen. Thus, rheumatoid (atrophic) arthritis rated as ankylosis of the lumbar spine should be coded "5002-5289." In this way, the exact source of each rating can be easily identified. In the citation of disabilities on rating sheets, the diagnostic terminology will be that of the medical examiner, with no attempt to translate the terms into schedule nomenclature. Residuals of diseases or therapeutic procedures will not be cited without reference to the basic disease.

7. In § 4.29, paragraph (a) is revised and paragraph (f) is added so that the revised and added material reads as follows:

§ 4.29 Ratings for service-connected disabilities requiring hospital treatment or observation.

(a) Subject to the provisions of paragraphs (d) and (e) of this section, this increased rating will be effective the first day of continuous hospitalization and will be terminated effective the last day of the month of hospital discharge (regular discharge or release to non-bed care) or effective the last day of the month of termination of treatment or observation for the service-connected disability or effective the last day of the month following release to non-bed care. A third consecutive authorized absence of 14 days will be regarded as the equivalent of hospital discharge and will interrupt hospitalization effective on the last day of the month in which the third 14 day period begins, except where there is a finding that convalescence is required as provided by paragraph (e) of this section. The termination of these total ratings will not be subject to § 3.105(e) of this chapter.

(f) Meritorious claims of veterans who are discharged from the hospital with less than the required number of days but need posthospital care and a prolonged period of convalescence will be re-

ferred to the Director, Compensation and Pension Service, under § 3.321(b) of this Chapter.

8. Section 4.30 is revised to read as follows:

§ 4.30 Convalescent ratings.

Subject to Veterans Administration regulations governing effective dates for increased benefits, where the report at hospital discharge indicates entitlement under paragraphs (a), (b), or (c) of this section, a total rating (100 percent) will be granted following hospital discharge (regular discharge or release to non-bed care), effective from the date of hospital admission and continuing for a period of 1, 2, or 3 months from the first day of the month following such hospital discharge. These total ratings will be granted if the hospital treatment of the service-connected disability resulted in:

(a) Surgery necessitating posthospital convalescence. The initial grant of a total rating will be limited to 1 month, with one or two extensions of periods of 1 month each in exceptional cases.

(b) Surgery with severe postoperative residuals shown at hospital discharge, such as incompletely healed surgical wounds, stumps of recent amputations, therapeutic immobilization of one major joint or more, application of a body cast, or the necessity for house confinement, or the necessity for continued use of a wheelchair or crutches (regular weight-bearing prohibited). Initial grants may be for 1, 2, or 3 months.

(c) Immobilization by cast, without surgery, of one major joint or more shown at hospital discharge or performed on an outpatient basis. Initial grants may be for 1, 2, or 3 months.

If the hospitalization is in excess of 21 days, the provisions of § 4.29 are for consideration. A reduction in the total rating will not be subject to § 3.105(e). The total rating will be followed by an open rating reflecting the appropriate schedular evaluation; where the evidence is inadequate to assign the schedular evaluation, a physical examination will be scheduled prior to the end of the total rating period. A total rating under this section will require full justification on the rating sheet. Extensions of periods of 1, 2, or 3 months beyond the initial 3 months may be made under paragraphs (b) or (c) of this section.

9. Section 4.46 is revised to read as follows:

§ 4.46 Accurate measurement.

Accurate measurement of the length of stumps, excursion of joints, dimensions and location of scars with respect to landmarks, should be insisted on. The use of a goniometer in the measurement of limitation of motion is indispensable in examinations conducted within the Veterans Administration. Muscle atrophy must also be accurately measured and reported.

§ 4.65 [Revoked]

10. Section 4.65 is revoked.

11. In § 4.71a, the following changes are made: (1) diagnostic codes 5002 (For

chronic residuals only), 5003 (except Notes (1) and (2)), 5012, 5104, 5105, 5275, 5293, 5294, 5295 and 5296 are revised; (2) paragraph (e) following diagnostic code 5151 and paragraph (b) following diagnostic code 5223 are revised; (3) diagnostic codes 5100, 5101, 5102 and 5103 are revoked; and (4) Plate III, Bones of the Hand, is added immediately following diagnostic code 5156 and Plate IV, Bones of the Foot, is added immediately following diagnostic code 5174.

§ 4.71a Schedule of ratings—musculoskeletal system.

ACUTE, SUBACUTE, OR CHRONIC DISEASES

5002	Arthritis, rheumatoid (atrophic).	Rating
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For chronic residuals:

For residuals such as limitation of motion or ankylosis, favorable or unfavorable, rate under the appropriate diagnostic codes for the specific joints involved. Where, however, the limitation of motion of the specific joint or joints involved is non-compensable under the codes a rating of 10 percent is for application for each such major joint or group of minor joints affected by limitation of motion, to be combined, not added under diagnostic code 5002. Limitation of motion must be objectively confirmed by findings such as swelling, muscle spasm, or satisfactory evidence of painful motion.

NOTE. The ratings for the active process will not be combined with the residual ratings for limitation of motion or ankylosis. Assign the higher evaluation.

5003	Arthritis, degenerative (hypertrophic or osteoarthritis): Degenerative arthritis established by X-ray findings will be rated on the basis of limitation of motion under the appropriate diagnostic codes for the specific joint or joints involved. Where, however, the limitation of motion of the specific joint or joints involved is non-compensable under the appropriate diagnostic codes, a rating of 10 percent is for application for each such major joint or group of minor joints affected by limitation of motion, to be combined, not added under diagnostic code 5003. Limitation of motion must be objectively confirmed by findings such as swelling, muscle spasm, or satisfactory evidence of painful motion. In the absence of limitation of motion, rate as below:
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5003	Arthritis—Continued	Rating
	With X-ray evidence of involvement of 2 or more major joints or 2 or more minor joint groups, with occasional incapacitating exacerbations	20
	With X-ray evidence of involvement of 2 or more major joints or 2 or more minor joint groups	10

SINGLE FINGER AMPUTATIONS

5012	Bones, new growths of, malignant	100
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NOTE. The 100 percent rating will be continued for 1 year following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.

COMBINATIONS OF DISABILITIES		
5100	[Revoked]	
5101	[Revoked]	
5102	[Revoked]	
5103	[Revoked]	
5104	Anatomical loss of one hand and loss of use of one foot	100
5105	Anatomical loss of one foot and loss of use of one hand	100

¹ Entitled to special monthly compensation.

MULTIPLE FINGER AMPUTATIONS

		Rating
		Major Minor
5151	Ring and little	30 20

(e) Combinations of finger amputations at various levels, or finger amputations with ankylosis or limitation of motion of the fingers will be rated on the basis of the grade of disability; i.e., amputation, unfavorable ankylosis, most representative of the levels or combinations. With an even number of fingers involved, and adjacent grades of disability, select the higher of the two grades.

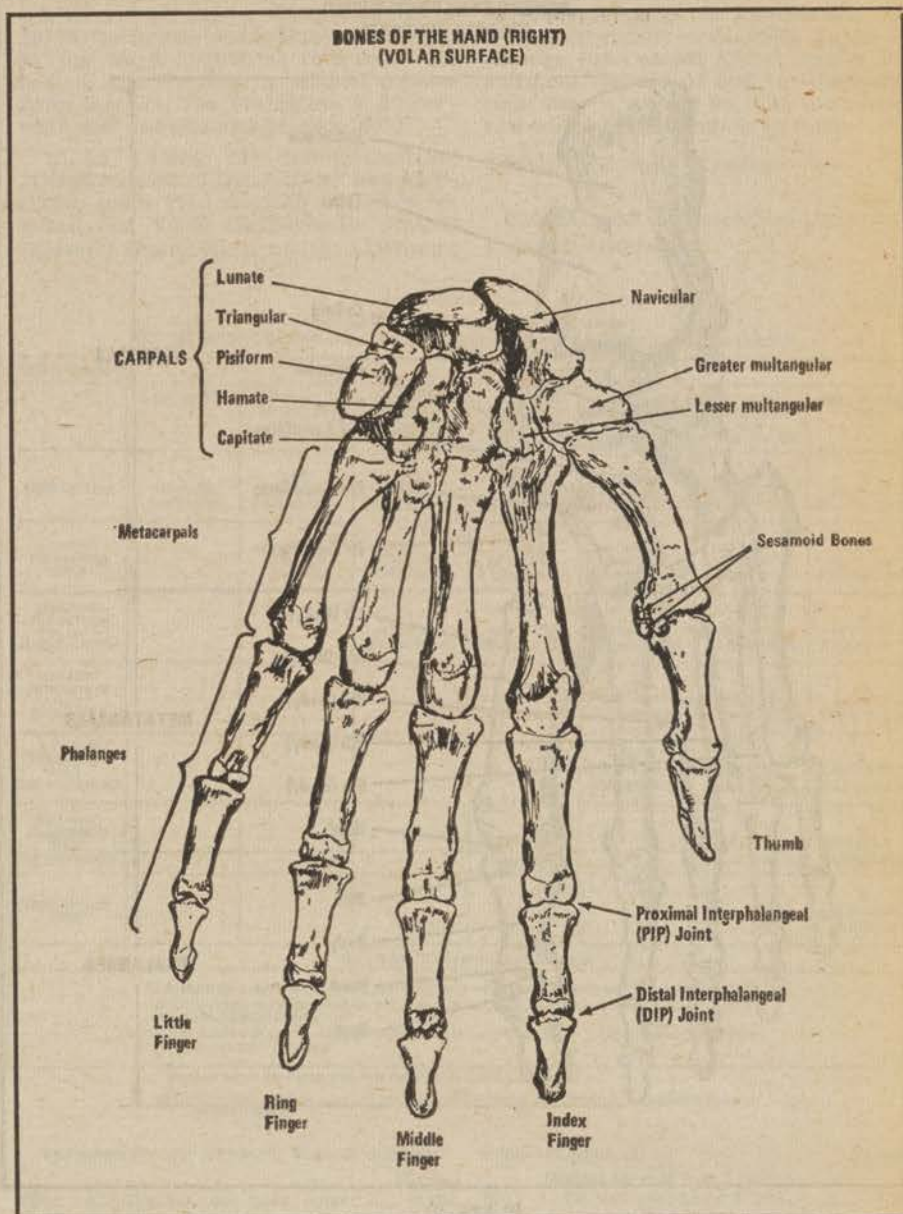


PLATE III

AMPUTATIONS: LOWER EXTREMITY

THE SPINE

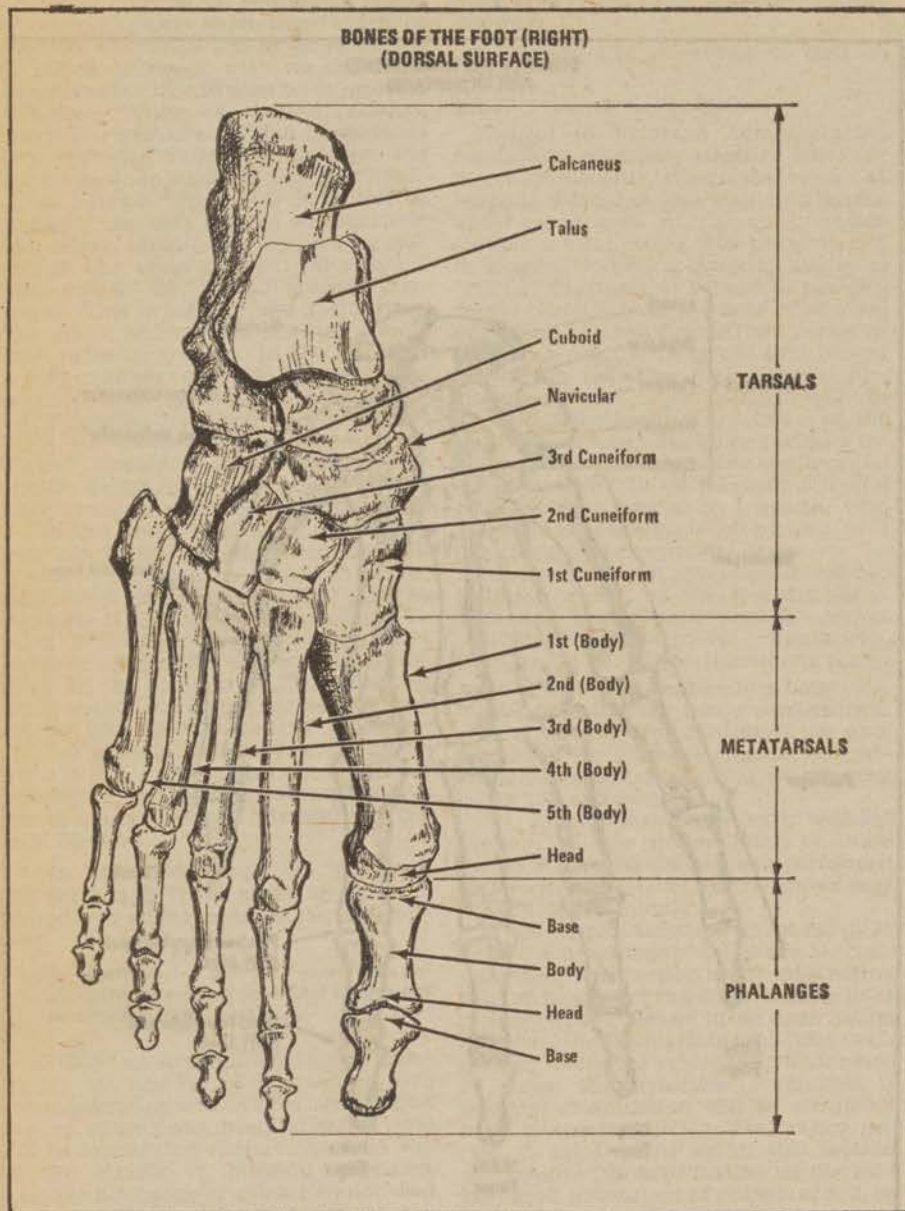


PLATE IV

MULTIPLE FINGERS: FAVORABLE ANKYLOSIS

SHORTENING OF THE LOWER EXTREMITY

5223 Two digits of one hand, favorable ankylosis of:

(b) Combinations of finger amputations at various levels, or of finger amputations with ankylosis or limitation of motion of the fingers will be rated on the basis of the grade of disability, i.e., amputation, unfavorable ankylosis, or favorable ankylosis, most representative of the levels or combinations. With an even number of fingers involved, and adjacent grades of disability, select the higher of the two grades.

5275 Bones, of the lower extremity, shortening of:

	Rating
Over 4 in.	60
3½ to 4 in.	50
3 to 3½ in.	40
2½ to 3 in.	30
2 to 2½ in.	20
1½ to 2 in.	10

* Also entitled to special monthly compensation.

NOTE. Measure both lower extremities from anterior superior spine of the ilium to the internal malleolus of the tibia. Not to be combined with other ratings for fracture or faulty union in the same extremity.

5293 Intervertebral disc syndrome:

Pronounced; with persistent symptoms compatible with sciatic neuropathy with characteristic pain and demonstrable muscle spasm, absent ankle jerk, or other neurological findings appropriate to site of diseased disc, little intermittent relief

Severe; recurring attacks, with intermittent relief

Moderate; recurring attacks

Mild

Postoperative, cured

5294 Sacro-iliac injury and weakness

5295 Lumbosacral strain:

Severe; with listing of whole spine to opposite side, positive Goldthwaite's sign, marked limitation of forward bending in standing position, loss of lateral motion with osteo-arthritis changes, or narrowing or irregularity of joint space, or some of the above with abnormal mobility on forced motion

With muscle spasm on extreme forward bending, loss of lateral spine motion, unilateral, in standing position

With characteristic pain on motion

With slight subjective symptoms only

THE SKULL

5296 Skull, loss of part of, both inner and outer tables:

With brain hernia

Without brain hernia:

Area larger than size of a 50-cent piece or 1.140 in² (7.355 cm²)

Area intermediate

Area smaller than the size of a 25-cent piece or 0.716 in² (4.619 cm²)

NOTE. Rate separately for intracranial complications.

12. In § 4.73, diagnostic codes 5301 and 5310 (Dorsal only) are corrected and diagnostic codes 5327 and 5328 are added so that the corrected and added codes read as follows:

§ 4.73 Schedule of ratings—muscle injuries.

THE SHOULDER GIRDLE AND ARM

Rating
Major Minor

5301 Group I. Extrinsic muscles of shoulder girdle.

(1) Trapezius; (2) levator scapulae; (3) serratus magnus. (Function: Upward rotation of scapula. Elevation of arm above shoulder level.)

Severe	40	30
Moderately severe	30	20
Moderate	10	10
Slight	0	0

THE FOOT AND LEG

Rating

- 5310 Group X.
Dorsal: (1) Extensor hallucis
brevis; (11) extensor digi-
torum brevis; (2) dorsal
interossei (4). Other im-
portant dorsal structures:
Cruciate crural, deltoid
and other ligaments.
Tendons of long ex-
tensors of toes and
peronei muscles.
Severe ----- 20
Moderately severe ----- 10
Moderate ----- 10
Slight ----- 0

NOTE. Minimum rating for
through and through wounds
of the foot ----- 10

THE TORSO AND NECK

- 5327 Muscle, new growth of, malign-
ant ----- 100
NOTE. The 100 percent rating
will be continued for 1 year fol-
lowing the cessation of surgi-
cal, X-ray, antineoplastic
chemotherapy or other thera-
peutic procedure. At this point,
if there has been no local recur-
rence or metastases, the rating
will be made on residuals.
5328 Muscle, new growth, benign,
postoperative:
Rate on basis of impairment
of function, i.e., limitation
of motion, or scars, diagnos-
tic code 7805, etc.

§ 4.82 [Revoked]

13. Section 4.82 is revoked.

14. Section 4.83 is revised to read as
follows:

§ 4.83 Ratings at scheduled steps and
distances.

In applying the ratings for impairment
of visual acuity, a person not having the
ability to read at any one of the sched-
uled steps or distances, but reading at
the next scheduled step or distance, is to
be rated as reading at this latter step
or distance. That is, a person who can
read at 20/70 but who cannot at 20/100,
should be rated as seeing at 20/100.

15. Section 4.83a is added to read as
follows:

§ 4.83a Impairment of central visual
acuity.

The percentage evaluation will be
found from table III by intersecting the
horizontal row appropriate for the
Snellen index for one eye and the verti-

cal column appropriate to the Snellen
index of the other eye. For example, if
one eye has a Snellen index of 5/200 and
the other eye has a Snellen index of
20/70, the percentage evaluation is found
in the third horizontal row from the
bottom and the fourth vertical column
from the left. The evaluation is 50 per-
cent and the diagnostic code 6073.

16. In § 4.84a, (1) the centerhead
"Combinations of Disabilities" and diag-
nostic codes 6050 through 6062 are re-
voked and Table II, Table for Rating
Bilateral Blindness, is added; (2) under

"Impairment of Central Visual Acuity",
new diagnostic codes 6061 and 6062 are
added and diagnostic codes 6064 and
6071 are revised; (3) immediately fol-
lowing diagnostic code 6079, Table III,
Ratings for Central Visual Acuity Im-
pairment" is added; and (4) diagnostic
code 6081 is revised so that the revised
and added material reads as follows:

§ 4.84a Schedule of ratings—eye.

COMBINATIONS OF DISABILITIES [DELETED]
6050-6062 [Revoked]

TABLE II
TABLE FOR RATING BILATERAL BLINDNESS
WITH DICTATOR'S RATING CODE AND SECTIONS OF THE CODE OF FEDERAL REGULATIONS

VISION ONE EYE	VISION OTHER EYE					
	5/200 OR LESS	LIGHT PERCEPTION ONLY	NO LIGHT PERCEPTION PLUS PHTHISIS BULBI	NO LIGHT PERCEPTION PLUS DEFORMITY	NO LIGHT PERCEPTION PLUS DISFIGUREMENT	NO LIGHT PERCEPTION PLUS EVISCERATION
5/200 OR LESS	L* CODE 100 § 3,350(f)(2)	L+M* CODE 280 § 3,350(f)(2)(i)	M CODE 288 § 3,350(f)(2)(ii)	M CODE 288 § 3,350(f)(2)(iv)	M CODE 289 § 3,350(f)(2)(iv)	M CODE 287 § 3,350(f)(2)(d)
LIGHT PERCEPTION ONLY		M CODE 210 § 3,350(c)	M+M CODE 298 § 3,350(f)(2)(iii)	M+M CODE 288 § 3,350(f)(2)(iv)	M+M CODE 289 § 3,350(f)(2)(iv)	M+M CODE 297 § 3,350(f)(2)(d)
NO LIGHT PERCEPTION PLUS PHTHISIS BULBI			N CODE 305 § 3,350(f)(2)(b)	N SEE NOTE § 3,350(f)(2)(b)	N SEE NOTE § 3,350(f)(2)(b)	N SEE NOTE § 3,350(f)(2)(b)
NO LIGHT PERCEPTION PLUS DEFORMITY				N CODE 307 § 3,350(f)(2)(b)	N SEE NOTE § 3,350(f)(2)(b)	N SEE NOTE § 3,350(f)(2)(b)
NO LIGHT PERCEPTION PLUS DISFIGUREMENT					N CODE 308 § 3,350(f)(2)(b)	N SEE NOTE § 3,350(f)(2)(b)
NO LIGHT PERCEPTION PLUS EVISCERATION						N CODE 306 § 3,350(f)(2)(b)
ANATOMICAL LOSS						N CODE 223 § 3,350(d)

BILATERAL BLINDNESS WITH DEAFNESS
Any of the above plus service connected total deafness one ear add 1/2 rate (Limit O) code 322—§ 3,350(f)(2)(v)(a)
Any of the above plus bilateral deafness, 40% or more, at least one ear service connected add full step (Limit O) code 323—§ 3,350(f)(2)(v)(b)
Any of the above plus service connected deafness, 60% or more, at least one ear service connected qualifies for Subpart O code 231—§ 3,350(e)

* With need for aid and attendant qualifies for Subpart M code 211—§ 3,350(a)

NOTE: No specific dictators rating code provided, code 305 through code 308 should be modified to fit the condition shown.

IMPAIRMENT OF CENTRAL VISUAL ACUITY

- 6061 Anatomical loss both eyes ----- Rating
6062 Blindness in both eyes having
only light perception ----- 100
Anatomical loss of one eye -----
6064 In the other eye 10/200 ----- 60

6064—Continued

- 6071 Vision in one eye 5/200 -----
In the other eye 5/200 ----- 100
* Also entitled to special monthly compen-
sation.
* Add 10 percent if artificial eye cannot be
worn; also entitled to special monthly com-
pensation.

TABLE III
RATINGS FOR CENTRAL VISUAL ACUITY IMPAIRMENT
(With Diagnostic Code)

VISION IN ONE EYE	VISION IN OTHER EYE								LIGHT PERCEPTION ONLY/ANATOMICAL LOSS
	20/40	20/50	20/70	20/100	20/200	15/200	10/200	5/200	
20/40	0								
20/50	10 (6079)	10 (6078)							
20/70	10 (6079)	20 (6078)	30 (6078)						
20/100	10 (6079)	20 (6078)	30 (6078)	50 (6078)					
20/200	20 (6077)	30 (6076)	40 (6076)	60 (6076)	70 (6075)				
15/200	20 (6077)	30 (6076)	40 (6076)	60 (6076)	70 (6075)	80 (6075)			
10/200	30 (6077)	40 (6076)	50 (6076)	60 (6076)	70 (6075)	80 (6075)	90 (6075)		
5/200	30 (6074)	40 (6073)	50 (6073)	60 (6073)	70 (6072)	80 (6072)	90 (6072)	5 ₁₀₀ (6071)	
LIGHT PERCEPTION ONLY	5 ₃₀ (6070)	5 ₄₀ (6069)	5 ₅₀ (6069)	5 ₆₀ (6069)	5 ₇₀ (6068)	5 ₈₀ (6068)	5 ₉₀ (6068)	5 ₁₀₀ (6067)	5 ₁₀₀ (6062)
ANATOMICAL LOSS OF ONE EYE	6 ₄₀ (6066)	6 ₅₀ (6065)	6 ₆₀ (6065)	6 ₆₀ (6065)	6 ₇₀ (6064)	6 ₈₀ (6064)	6 ₉₀ (6064)	5 ₁₀₀ (6063)	5 ₁₀₀ (6061)

5 ALSO ENTITLED TO SPECIAL MONTHLY COMPENSATION.

6 ADD 10 PERCENT IF ARTIFICIAL EYE CANNOT BE WORN; ALSO ENTITLED TO SPECIAL MONTHLY COMPENSATION.

RATINGS FOR IMPAIRMENT OF FIELD VISION

IMPAIRMENT OF AUDITORY ACUITY

* * * * *

6081 Scotoma, pathological, unilateral:
Large or centrally located,
minimum ----- 10
NOTE. Rate on loss of central
visual acuity or impairment of
field vision. Do not combine
with any other rating for visual
impairment.

§ 4.85 Hearing impairments, reported
as a result of regional office or au-
thorized audiology clinic examina-
tions.

(a) If the results of controlled speech
reception tests are used, the letter, A
through F, designating the impairment
in efficiency of each ear separately, will
be ascertained from table IV. Table IV
indicates six areas of impairment in
efficiency. The literal designation of im-
paired efficiency (A, B, C, D, E, or F) will
be determined by intersecting the hori-
zontal row appropriate for percentage of
discrimination and the vertical column
appropriate to the speech reception
decibel loss; thus, with a speech recep-
tion decibel loss of 62 db and a percent-
age discrimination of 72 percent the
literal designation is "D"; if the speech
reception decibel loss is 62 db and the
percentage discrimination is 70 percent,
the literal designation is "E".

17. In § 4.84b, diagnostic code is revised
to read as follows:

§ 4.84b Schedule of ratings—ear.
DISEASES OF THE EAR

* * * * *

6260 Tinnitus:
Persistent as a symptom of
head injury, concussion or
acoustic trauma ----- 10
(See diagnostic code 8046)

18. Section 4.85 is revised to read as
follows:

(b) The percentage evaluation will be
found from table V by intersecting the
horizontal row appropriate for the literal
designation for the ear having the better
hearing and the vertical column appro-
priate to the literal designation for the
ear having the poorer hearing. For ex-
ample, if the better ear has a literal des-
ignation of "B" and the poorer ear has
a literal designation of "C", the percent-
age evaluation is in the second horizontal
row from the bottom and in the third
vertical column from the right and is 10
percent.

(c) If the results of pure tone audiom-
etry (either pure tone air conduction
or Galvanic Skin Response, GSR) are
used, the equivalent literal designation
for each ear, separately, will be ascer-
tained from table V, and the percentage
evaluation determined in the same man-
ner as for speech reception impairment
in paragraph (b) of this section. For ex-
ample, if the average pure tone decibel
loss for the frequencies 500, 1,000, and
2,000 is not more than 57 db and there
is no loss more than 70 db for any of
these three frequencies, the equivalent
literal designation is "C"; if in the other
ear, the average is not more than 79 db,
and there is no loss more than 90 db, the
equivalent literal designation is "D". The
percentage evaluation is therefore found
in the horizontal row opposite "C", and
in the vertical column under "D", and
is 20 percent. Note that if in the first in-
stance any of the 3 frequencies has a
loss of more than 70 db, or in the second
instance more than 90 db, the literal des-
ignation will be higher, i.e., further from
"A" in the alphabetical series.

19. Section 4.87 is redesignated § 4.86a
and revised and a new § 4.87 is added so
that the redesignated and added material
reads as follows:

§ 4.86a Conversational voice in feet.

The column and row containing en-
tries in feet will not be used for the pur-
pose of determining service-connection
or evaluation except in the rating of
those unusual cases where no other data
are available. In those cases showing no
loss by spoken voice on induction but
showing loss by spoken voice on dis-
charge, evaluation will be deferred pend-
ing examination by controlled speech and
pure tone apparatus. In those cases
showing loss for spoken voice on induc-
tion, the footage equivalents on table V
will be used to determine the extent of
hearing loss at induction for comparison
with the results of examination by con-
trolled speech and pure tone.

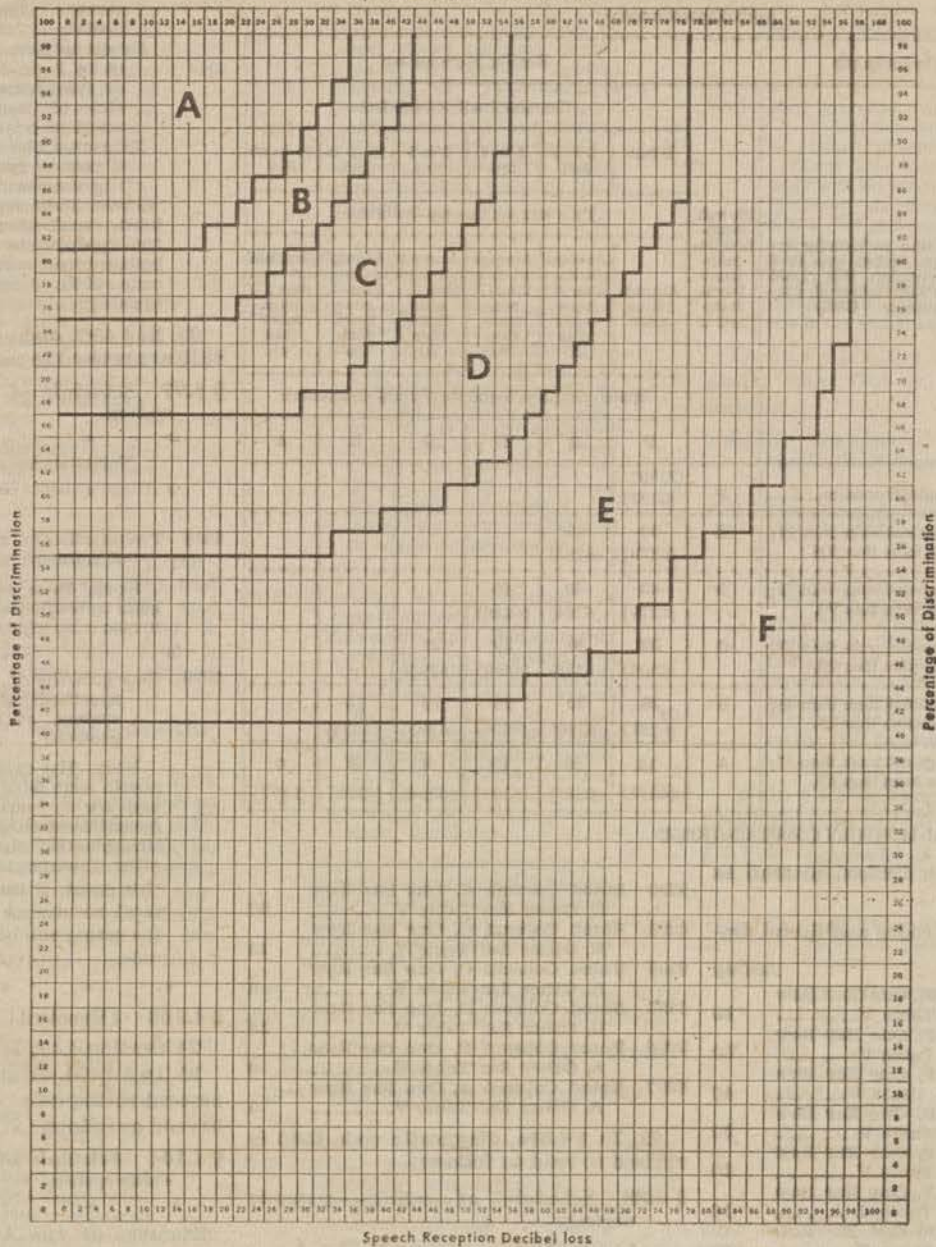
§ 4.87 Determinations of auditory acuity.

By impairment of auditory acuity is
meant the organic hearing loss for
speech.

20. Immediately following § 4.87, Table
I is redesignated Table IV and Table II is
redesignated Table V and revised as
follows:

TABLE IV

Speech Reception Decibel Loss



(This chart showing the literal designation of hearing loss is based on the ISO (ANSI) norm. No interpolation is required.)

TABLE V
RATINGS FOR HEARING IMPAIRMENT
(with diagnostic code)

Hearing in better ear			Hearing in poorer ear						
Conversational	Pure tone audiometry average decibel loss at 3 frequencies: 500, 1,000 and 2,000 (either air conduction or GSR)	Speech reception impairment literal designation	Conversational voice in feet						
			0 feet	1 to 4 feet	5 to 7 feet	8 to 9 feet	10 to 14 feet	15 to 40 feet	
			Pure tone audiometry decibel loss						
			Average 100 or more	Average not more than 99; none more than 105	Average not more than 79; none more than 90	Average not more than 57; none more than 70	Average not more than 45; none more than 55	Average not more than 37; none more than 45	
			Speech reception impairment literal designation						
F	E	D	C	B	A				
0 feet.....	Average 100 or more.....	F	(7)80 (6277)						
1 to 4 feet.....	Average not more than 99; none more than 105	E	60 (6278)	60 (6283)					
5 to 7 feet.....	Average not more than 79; none more than 90.	D	40 (6279)	40 (6284)	40 (6288)				
8 to 9 feet.....	Average not more than 57; none more than 70.	C	30 (6280)	30 (6285)	20 (6289)	20 (6292)			
10 to 14 feet.....	Average not more than 45; none more than 55.	B	20 (6281)	20 (6286)	20 (6290)	10 (6293)	10 (6295)		
15 to 40 feet.....	Average not more than 37; none more than 45.	A	10 (6282)	10 (6287)	10 (6291)	0 (6294)	0 (6296)	0 (6297)	

(7ENTITLED TO SPECIAL MONTHLY COMPENSATION.)

21. Section 4.87a is revised to read as follows:

§ 4.87a Diagnostic codes and literal designations.

	Rating
6277 Rated Column F, One Ear Row F, Other Ear Table V.....	80
6278 Rated Column F, One Ear Row E, Other Ear Table V.....	60
6279 Rated Column F, One Ear Row D, Other Ear Table V.....	40
6280 Rated Column F, One Ear Row C, Other Ear Table V.....	30
6281 Rated Column F, One Ear Row B, Other Ear Table V.....	20
6282 Rated Column F, One Ear Row A, Other Ear Table V.....	10
6283 Rated Column E, One Ear Row E, Other Ear Table V.....	60
6284 Rated Column E, One Ear Row D, Other Ear Table V.....	40
6285 Rated Column E, One Ear Row C, Other Ear Table V.....	30
6286 Rated Column E, One Ear Row B, Other Ear Table V.....	20
6287 Rated Column E, One Ear Row A, Other Ear Table V.....	10
6288 Rated Column D, One Ear Row D, Other Ear Table V.....	40
6289 Rated Column D, One Ear Row C, Other Ear Table V.....	20
6290 Rated Column D, One Ear Row B, Other Ear Table V.....	20
6291 Rated Column D, One Ear Row A, Other Ear Table V.....	10

*Entitled to special monthly compensation.

6292 Rated Column C, One Ear Row C, Other Ear Table V.....	20
6293 Rated Column C, One Ear Row B, Other Ear Table V.....	10
6294 Rated Column C, One Ear Row A, Other Ear Table V.....	0
6295 Rated Column B, One Ear Row B, Other Ear Table V.....	10
6296 Rated Column B, One Ear Row A, Other Ear Table V.....	0
6297 Rated Column A, One Ear Row A, Other Ear Table V.....	0

22. In § 4.88a, diagnostic code 6350 is revised to read as follows:

§ 4.88 Schedule of ratings—systemic diseases.

	Rating
6350 Lupus erythematosus, systemic (disseminated): (Not to be combined with ratings under diagnostic code 7809.)	
Acute with constitutional manifestations associated with serous or synovial membrane or visceral involvement or other symptom combinations, totally incapacitating.....	100
Less than totally incapacitating, but in symptom combinations productive of severe impairment of health.....	80
Chronic with frequent exacerbations and multiple joint	

6350—Continued

	Rating
and organ manifestations productive of moderately severe impairment of health.....	60
Exacerbations of a week or more 2 or 3 times a year; or symptomatology productive of moderate impairment of health.....	30
Exacerbations once or twice a year or symptomatic during the past 2 years.....	10
NOTE. Rate residuals such as joint, renal, pleural, etc., under the appropriate system, not to be combined with ratings under code 6350. Assign the higher evaluation.	

23. In § 4.97, diagnostic codes 6814 and 6819 are revised to read as follows:

§ 4.97 Schedule of ratings—respiratory system.

	Rating
* * * * *	
NONTUBERCULOUS DISEASES	
* * * * *	
6814 Pneumothorax, spontaneous, for 6 months.....	100
NOTE. Rate residuals analogous to bronchial asthma diagnostic code 6602.	
* * * * *	
6819 New growths of, malignant, any specified part of respiratory system exclusive of skin growths.....	100

NOTE. The rating under diagnostic code 6819 will be continued for 2 years following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.

§ 4.103 [Revoked]

24. Section 4.103 is revoked.

25. In § 4.104, diagnostic codes 7116 (60 percent rating only) and 7121 are revised to read as follows:

§ 4.104 Schedule of ratings—cardiovascular system.

	Rating
* * * * *	
DISEASES OF THE ARTERIES AND VEINS	
* * * * *	
7116 Claudication, intermittent	
* * * * *	
Persistent coldness of extremity with claudication on minimal walking.....	60
* * * * *	
7121 Phlebitis or thrombophlebitis, unilateral, with obliteration of deep return circulation, including traumatic conditions:	
Massive board-like swelling, with severe and constant pain at rest.....	100

7121—Continued

Persistent swelling, subsiding only very slightly and incompletely with recumbency elevation with pigmentation cyanosis, eczema or ulceration

60

Persistent swelling of leg or thigh, increased on standing or walking 1 or 2 hours, readily relieved by recumbency; moderate discoloration, pigmentation and cyanosis or persistent swelling of arm or forearm, increased in the dependent position; moderate discoloration, pigmentation or cyanosis

30

Persistent moderate swelling of leg not markedly increased on standing or walking or persistent swelling of arm or forearm not increased in the dependent position

10

NOTE. When phlebitis is present in both lower extremities or both upper extremities, apply bilateral factor.

26. In § 4.114, the introductory portion preceding diagnostic code 7200, and diagnostic codes 7312, 7313, 7339 and 7343 are revised; diagnostic code 7341 is revoked and diagnostic code 7348 is added so that the added and revised material reads as follows:

§ 4.114 Schedule of ratings—digestive system.

Ratings under diagnostic codes 7301 to 7329, inclusive, 7331, 7342 and 7345 to 7348 inclusive will not be combined with each other. A single evaluation will be assigned under the diagnostic code which reflects the predominant disability picture, with elevation to the next higher evaluation where the severity of the overall disability warrants such elevation.

7312 Liver, cirrhosis of: Rating

Pronounced; aggravation of the symptoms for moderate and severe, necessitating frequent tapping

100

Severe; ascites requiring infrequent tapping, or recurrent hemorrhage from esophageal varices, aggravated symptoms and impaired health

70

Moderately severe; liver definitely enlarged with abdominal distention due to early ascites and with muscle wasting and loss of strength

50

Moderate; with dilation of superficial abdominal veins, chronic dyspepsia, slight loss of weight or impairment of health

30

7313 Liver, abscess of, residuals: With severe symptoms

30

With moderate symptoms

20

7339 Hernia, ventral, postoperative: Massive, persistent, severe diastasis of recti muscles or extensive diffuse destruction or weakening of muscular and fascial support of abdominal wall so as to be inoperable

100

Rating 7339—Continued

Large, not well supported by belt under ordinary conditions

40

Small, not well supported by belt under ordinary conditions, or healed ventral hernia or post-operative wounds with weakening of abdominal wall and indication for a supporting belt

20

Wounds, postoperative, healed, no disability, belt not indicated

0

7341 [Revoked]

7343 New growths, malignant, exclusive of skin growths

100

NOTE. The rating under diagnostic code 7343 will be continued for 1 year following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.

7348 Vagotomy with pyloroplasty or gastroenterostomy:

Followed by demonstrably confirmative postoperative complications of stricture or continuing gastric retention

40

With symptoms and confirmed diagnosis of alkaline gastritis, or of confirmed persisting diarrhea

30

Recurrent ulcer with incomplete vagotomy

20

NOTE. Rate recurrent ulcer following complete vagotomy under diagnostic code 7305, minimum rating 20 percent; and rate dumping syndrome under diagnostic code 7308.

27. In § 4.115a, diagnostic codes 7519 and 7528 are revised to read as follows:

§ 4.115a Schedule of ratings—genitourinary system.

DISEASES OF THE GENITOURINARY SYSTEM

7519 Urethra, fistula of: Rating

Multiple urethroperineal

100

Severe; multiple, with continuous drainage requiring constant use of appliance or frequent change of pad

60

Moderate; fistula with continuous drainage requiring constant use of pad or appliance

40

Mild; slight intermittent leakage

20

7528 New growths, malignant, any specified part of genitourinary system

100

NOTE. The rating under code 7528 will be continued for 1 year following the cessation of surgical, X-ray antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals, minimum

10

28. In § 4.116a, diagnostic code 7627 is revised to read as follows:

§ 4.116a Schedule of ratings—gynecological conditions.

Rating

7627 New growths, malignant, gynecological system or mammary glands

100

NOTE. The rating under code 7627 will be continued for 1 year following the cessation of surgical, X-ray antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals, minimum

10

29. In § 4.117, the note following diagnostic code 7709 is revised to read as follows:

§ 4.117 Schedule of ratings—hemic and lymphatic systems.

7709 Lymphogranulomatosis (Hodgkin's disease):

NOTE. The 100 percent rating will be continued for 1 year following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or invasion of other organs, the rating will be made on residuals.

30. In § 4.119, diagnostic code 7914 is revised to read as follows:

§ 4.119 Schedule of ratings—endocrine system.

7914 New growth, malignant, any specified part of endocrine system

100

NOTE. The rating under code 7914 will be continued for 1 year following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.

31. In § 4.124a, diagnostic codes 8045, 8046 and 8914 (Mental Disorders in Epilepsies only) are revised to read as follows:

§ 4.124a Schedule of ratings—neurological conditions and convulsive disorders.

ORGANIC DISEASES OF THE CENTRAL NERVOUS SYSTEM

8045 Brain disease due to trauma: Purely neurological disabilities, such as hemiplegia, epileptiform seizures, facial nerve paralysis, etc., following trauma to the brain, will be rated under the diagnostic codes specifically dealing with such disabilities, with citation of a hyphenated diagnostic code (e.g., 8045-8207).

8045—Continued

Purely subjective complaints, such as headache, dizziness, insomnia, etc., recognized as symptomatic of brain trauma, will be rated 10 percent and no more under diagnostic code 9304. This 10 percent rating will not be combined with any other rating for a disability due to brain trauma. Ratings in excess of 10 percent for brain disease due to trauma under diagnostic code 9304 are not assignable in the absence of a diagnosis of non-psychotic organic brain syndrome with brain trauma.

8046 Cerebral arteriosclerosis:

Purely neurological disabilities, such as hemiplegia, cranial nerve paralysis, etc., due to cerebral arteriosclerosis will be rated under the diagnostic codes dealing with such specific disabilities, with citation of a hyphenated diagnostic code (e.g., 8046-8207).

Purely subjective complaints such as headache, dizziness, tinnitus, insomnia and irritability, recognized as symptomatic of a properly diagnosed cerebral arteriosclerosis, will be rated 10 percent and no more under diagnostic code 9305. This 10 percent rating will not be combined with any other rating for a disability due to cerebral or generalized arteriosclerosis. Ratings in excess of 10 percent for cerebral arteriosclerosis under diagnostic code 9305 are not assignable in the absence of a diagnosis of non-psychotic organic brain syndrome with cerebral arteriosclerosis.

NOTE.—The ratings under code 8046 apply only when the diagnosis of cerebral arteriosclerosis is substantiated by the entire clinical picture and not solely on findings of retinal arteriosclerosis.

THE EPILEPSIES

8814 Epilepsy, psychomotor

Mental Disorders in Epilepsies: A non-psychotic organic brain syndrome will be rated separately under the appropriate diagnostic code (e.g., 9304 or 9307). In the absence of a diagnosis of non-psychotic organic psychiatric disturbance (psychotic, psychoneurotic or personality disorder) if diagnosed and shown to be secondary to or directly associated with epilepsy will be rated separately. The psychotic or psychoneurotic disorder will be rated under the appropriate diagnostic code. The personality disorder will be rated as a non-psychotic organic brain syndrome (e.g., diagnostic code 9304 or 9307).

32. In § 4.132, diagnostic codes 9200 through 9210, 9300 through 9311, 9400 through 9405, 9500 through 9502 are re-

vised, diagnostic codes 9312 through 9326, 9407 through 9410 (immediately preceding "Read well Notes (1) to (4), etc.") and 9505 through 9511 (immediately preceding "Evaluate psychophysiology reaction, etc.") are added and diagnostic codes 9406, 9503 and 9504 are revoked so that the added and revised material reads as follows:

§ 4.132 Schedule of ratings—mental disorders.

PSYCHOTIC DISORDERS

	Rating
9200 Schizophrenia, simple type	
9201 Schizophrenia, hebephrenic type	
9202 Schizophrenia, catatonic type	
9203 Schizophrenia, paranoid type	
9204 Schizophrenia, chronic undifferentiated type	
9205 Schizophrenia, other and unspecified types	
9206 Manic depressive illness, specify type	
9207 Psychotic depressive reaction	
9208 Paranoid states (specify type)	
9209 Involutional melancholia or involutional paranoid state	
9210 Psychosis, unspecified:	

General Rating Formula for Psychotic Reactions:

Active psychotic manifestations of such extent, severity, depth, persistence or bizarreness as to produce complete social and industrial inadaptability

With lesser symptomatology such as to produce severe impairment of social and industrial adaptability

Considerable impairment of social and industrial adaptability

Definite impairment of social and industrial adaptability

Slight impairment of social and industrial adaptability

Psychosis in full remission.

Convalescent rating in psychotic disorders: Upon regular discharge or release to non-bed care from a hospital where a beneficiary has been under care and treatment for a continuous period in the hospital of not less than 6 months, an open rating of 100 percent will be continued for 6 months. A Veterans Administration examination is mandatory at the expiration of the 6 months' period, after which the condition will be rated in accordance with the degree of disability shown. Where the beneficiary has been under hospital care and treatment for less than 6 months and is not ratable at 100 percent under the rating schedule, consideration should be given to § 4.29.

ORGANIC BRAIN DISORDERS

9300 Acute nonpsychotic brain disorder with infection, trauma, circulatory disturbance, etc. (specify the cause)	
--	--

9300—Continued

NOTE. Acute organic brain disorders with or without accompanying psychotic disorder are temporary and reversible. If psychiatric impairment attributable to such diagnosis continues beyond 6 months, the report of examination is to be returned to the examiner for reconsideration of the diagnosis.

9301 Non-psychotic organic brain syndrome with central nervous system syphilis (all forms)	
9302 Non-psychotic organic brain syndrome with intracranial infections other than syphilis (specify infection)	
9303 Non-psychotic organic brain syndrome with intoxication (specify cause such as alcoholic deterioration)	
9304 Non-psychotic organic brain syndrome with brain trauma	
9305 Non-psychotic organic brain syndrome with cerebral arteriosclerosis	
9306 Non-psychotic organic brain syndrome with circulatory disturbance other than cerebral arteriosclerosis (specify circulatory disturbance)	
9307 Non-psychotic organic brain syndrome with convulsive disorder (Idiopathic epilepsy)	
9308 Non-psychotic organic brain syndrome with disturbance of metabolism, growth or nutrition	
9309 Non-psychotic organic brain syndrome with intracranial neoplasm	100
9310 Non-psychotic organic brain syndrome with unknown or uncertain cause	70
9311 Non-psychotic organic brain syndrome of undiagnosed cause	50
9312 Psychosis associated with organic brain syndrome due to senile dementia	30
9313 Psychosis associated with organic brain syndrome due to chronic alcoholic poisoning	10
9314 Psychosis associated with organic brain syndrome due to syphilis (all forms)	0
9315 Psychosis associated with organic brain syndrome due to epidemic encephalitis	
9316 Psychosis associated with organic brain syndrome due to other and unspecified intracranial infection	
9317 Psychosis associated with organic brain syndrome due to cerebral arteriosclerosis	
9318 Psychosis associated with organic brain syndrome due to cerebrovascular disturbance	
9319 Psychosis associated with organic brain syndrome due to epilepsy	
9320 Psychosis associated with organic brain syndrome due to intracranial neoplasm	
9321 Psychosis associated with organic brain syndrome due to brain trauma	
9322 Psychosis associated with organic brain syndrome due to endocrine disorder	
9323 Psychosis associated with organic brain syndrome due to metabolic or nutritional disorder	

- 9324 Psychosis associated with organic brain syndrome due to systemic infection
- 9325 Psychosis associated with organic brain syndrome due to drug or poison intoxication (other than alcohol)
- 9326 Psychosis associated with organic brain syndrome due to other and undiagnosed physical condition

Before attempting to rate brain syndromes rating specialists should become thoroughly acquainted with the relevant concepts presented by the current Diagnostic and Statistical Manual of the American Psychiatric Association and the following:

(1) Under the codes 9300 through 9326 the basic syndrome of organic brain disorder may be the only mental disturbance present or it may appear with related "psychotic" manifestations. An organic brain syndrome with or without such qualifying phrase will be rated according to the general rating formula for organic brain syndromes, assigning a rating which reflects the entire psychiatric picture.

(2) An organic brain syndrome, as defined in the American Psychiatric Association manual, is characterized solely by psychiatric manifestations. However, neurological or other manifestations of etiology common to the brain syndrome may be present, and if present, are to be rated separately as distinct entities under the neurological or other appropriate system and combined with the rating for the brain syndrome.

General Rating Formula for Organic Brain Syndromes:

- Impairment of intellectual functions, orientation, memory and judgment, and liability and shallowness of affect of such extent, severity, depth, and persistence as to produce complete social and industrial inadaptability. 100
- Less than 100 percent, in symptom combinations productive of:
- Severe impairment of social and industrial adaptability ----- 70
- Considerable impairment of social and industrial adaptability ----- 50
- Definite impairment of social and industrial adaptability ----- 30
- Slight impairment of social and industrial adaptability ----- 10
- No impairment of social and industrial adaptability ----- 0

PSYCHONEUROTIC DISORDERS

- 9400 Anxiety neurosis
- 9401 Hysterical neurosis, dissociative type
- 9402 Hysterical neurosis, conversion type

- Rating 9403 Phobic neurosis
- 9404 Obsessive compulsive neurosis
- 9405 Depressive neurosis
- 9406 [Revoked]
- 9407 Neurasthenic neurosis (formerly psychophysiological nervous system reaction)
- 9408 Depersonalization neurosis
- 9409 Hypochondriacal neurosis
- 9410 Other and unspecified neurosis

PSYCHOPHYSIOLOGIC DISORDERS

- 9500 Psychophysiological skin disorder
- 9501 Psychophysiological cardiovascular disorder
- 9502 Psychophysiological gastrointestinal disorder
- 9503 [Revoked]
- 9504 [Revoked]
- 9505 Psychophysiological musculoskeletal disorder
- 9506 Psychophysiological respiratory disorder
- 9507 Psychophysiological hemic and lymphatic disorder
- 9508 Psychophysiological genitourinary disorder
- 9509 Psychophysiological endocrine disorder
- 9510 Psychophysiological disorder of organ of special sense (specify sense organ)
- 9511 Psychophysiological disorder of other type

[FR Doc.76-7605 Filed 3-17-76;8:45 am]

Title 40—Protection of Environment

CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

[FRL 503-3]

PART 124—STATE PROGRAM ELEMENTS NECESSARY FOR PARTICIPATION IN THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

PART 125—NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Application of Permit Program To Separate Storm Sewers

On December 5, 1975, the Environmental Protection Agency (EPA) proposed regulations for applying the National Pollutant Discharge Elimination System (NPDES) permit program to separate storm sewers (40 FR 56932). These regulations were proposed in accordance with the June 10, 1975, court order issued following the decision of the Federal District Court for the District of Columbia in the case of *NRDC v. Train* [396 F. Supp. 1393, 7 ERC 1881 (D.D.C. 1975)]. Although EPA is proceeding with the appeal of this case, the Agency is required by the court order to proceed with the promulgation of these regulations. For a detailed history of the development of the proposed regulations, see the preamble to the December 5, 1975, publication.

EPA solicited comments concerning the proposed regulations and received more than forty written statements. These comments are available for public inspection at EPA, and have been entered into the record of the development of the regulations. All comments received have been carefully considered and many have been adopted or substantially satisfied

by editorial changes, deletions, or additions to the regulations. Several of the major comments and their disposition are discussed below.

1. *Summary of the Final Regulations.* The term "separate storm sewer" is defined as "a conveyance or system of conveyances * * * located in an urbanized area and primarily operated for the purpose of collecting and conveying storm water runoff." The permit issuing authority may designate a rural storm sewer as being a significant contributor of pollution and thus subject to these regulations. EPA intends that all other rural storm sewers be considered non-point in nature and not subject to the NPDES permit program. Any NPDES permit authorization for a discharge from a storm sewer includes all parts of the storm sewer system irrespective of ownership. Point sources which discharge into a storm sewer system are subject to the conventional NPDES permit program. In the future EPA will propose procedures for the issuance of general permits for separate storm sewers. In addition, the permitting authority may on a case-by-case basis require the owner-operator of any separate storm sewer to obtain a conventional NPDES permit.

2. *Definition of "Separate Storm Sewer".* The proposed regulations contained the following definition of the term "separate storm sewer":

"* * * a publicly-owned system of pipes located in an urbanized area and designed, constructed, and operated for the purpose of collecting and conveying discharges composed entirely of storm runoff uncontaminated by process waste from any industrial or commercial activity."

More than half of the commenters discussed the proposed definition of "separate storm sewer" and recommended changes in that definition. A smaller but significant number also commented upon the provisions for present and future regulation of discharges from separate storm sewers.

(a) *"Publicly Owned".* The proposed regulations were limited to "publicly owned" storm sewers; thus private storm water collection systems were subject to the general provisions of the NPDES permit program, which require that the individual permits be obtained. In these final regulations, the term "publicly owned" has been deleted from the definition of "separate storm sewer." However, the regulations also state that conveyances from industrial or commercial activities (regardless of ownership) are not "separate storm sewers" if they discharge process waste water or storm water runoff contaminated by contact with aggregations of wastes, raw materials, or pollutant-contaminated soil. Such conveyances are subject to the conventional NPDES permit program.

Most of those who commented upon EPA's use of the term "publicly owned" represent private industry. They often used the word "discriminatory" to characterize EPA's proposed public-private

distinction, and several noted that current federal regulations (those declared unlawful by the court in *NRDC v. Train*) include all storm sewers regardless of ownership. The proposed regulations, they stated, included only a small portion of the total number of storm sewers throughout the country and would require the vast majority of owners-operators to apply for and to receive conventional NPDES permits.

In urging deletion of the term "publicly owned" several of these commenters asserted that there are thousands of separate storm sewers on industrial, commercial, or other private property which are indistinguishable either in principle or in storm waters conveyed from publicly owned systems. These commenters mentioned EPA's own statement that little is known about the seriousness of such pollution (whether discharging from public or private sources) and noted that there is no reason to assume automatically that storm water from a public system will differ materially from that discharged from a private system. A few of the industrial respondents stated that EPA's rationale for not at this time imposing substantive requirements upon publicly owned systems—i.e. the lack of demonstrated monitoring and control technology and the general inapplicability of the NPDES program to storm sewers—applies equally to privately owned systems. They further stated that known control technologies (whether they might legally be effected through NPDES permits) are extremely costly, and that until cost-benefit analyses of such technologies are performed no discharger (whether public or private) should be required to spend substantial sums of money in this area of pollution control relative to the amounts expended upon other sources.

At this time, EPA believes that it is inappropriate to make an across-the-board application of the NPDES program to all private dischargers. For many of the same reasons that conventional permits should not be required of most publicly owned systems—particularly the lack of monitoring and control technologies which have been demonstrated to be economically practicable—EPA will not now require that most private storm-water discharges be subject to conventional NPDES permits.

EPA believes, however, that if a discharge from an industrial or commercial operation contains process waste water, that discharge should be controlled via the conventional NPDES permit program. Similarly, a discharge from lands or facilities used for industrial or commercial activities should be individually permitted if that discharge contains storm water runoff contaminated by contact with aggregations of wastes, raw materials, or with pollutant-contaminated soil. Many industrial process contaminants may be present in the companies' physical facilities themselves, in surrounding land areas, and in related locations where they may be picked up in rainfall runoff and subsequently collected and discharged from storm

sewers. This type of pollution constitutes a significant pollution load upon the nation's waters and should be the object of pollution abatement programs. Thus these final regulations exclude such discharges from the definition of "separate storm sewer" and require them to comply with the general requirements of Parts 124 and 125.

By deleting the term "publicly owned" EPA does not forego the opportunity to require separate storm sewers to be individually permitted. Nor do these regulations in any way relieve private owners-operators from the obligation to identify all discharge points in NPDES permit applications filed pursuant to Parts 124 and 125. The proposed regulations authorize the permit issuing authority to designate storm sewers located in rural areas as significant contributors of pollution and thus subject to the regulations' requirements. Furthermore, EPA or the relevant NPDES State may require any such system (whether urban or rural), or portion thereof, to apply for and obtain a conventional NPDES permit.

(b) "System of Pipes". The proposed definition of "separate storm sewer" limited the regulations to "system[s] of pipes." Numerous commenters recommended that this phrase be expanded to include all parts of a storm sewer system and not just those which might be classified as "pipes." Thus, one commenter stated that a pipe is an enclosed conduit, while a system could also include open conduits such as drainage ditches or channels. Another noted that storm water is conveyed in a variety of structures including open channels, closed rectangle channels with arched tops, oval shaped conduits, and earthen ditches. Officials from flood control districts in the Southwest indicated that the proposed definition would have only limited applicability to their systems which consist in large part of open channels and large underground box structures.

EPA agrees that the definition of "separate storm sewer" should include all facilities within a given drainage system and has amended the proposed definition to include the phrase "system of conveyances" (emphasis added) rather than "system of pipes." Some commenters suggested that the word "pipes" be retained in the definition, but that other words which describe parts of storm water runoff systems be added—e.g., "culverts," "ditches," "canals," "conduits," and so forth. It is EPA's intent that the definition of "separate storm sewer" include these and other conveyances so long as they are a part of storm sewer systems which are primarily operated for the purpose of collecting and conveying storm water runoff. The word "conveyance" appears in the definition of "point source" in section 502(14) of the Federal Water Pollution Control Act (P.L. 92-500; 33 U.S.C. 1251 et seq; FWPCA) and includes the various parts of storm sewer systems. The word "system" is employed to connote the regulations' applicability to all conveyances which are a part of a collection system, whether they dis-

charge directly into navigable waters or indirectly via other parts of the system.

In the preamble to the proposed regulations, EPA stated that "individual road culverts and highway ditches generally would be excluded from the proposed definition of 'separate storm sewer.'" A number of commenters criticized these intended exclusions. Some indicated that storm drains are often constructed in order to handle runoff from highway ditches. An official with a State highway department noted that if in the future permits are required for storm water systems but not for highway ditches, construction of the closed systems will be discouraged in spite of the hazards, lack of aesthetics, and ecological burdens associated with open ditch systems and road culverts.

In consideration of these comments, EPA now intends that if conveyances which collect highway runoff are included within these final regulations' definition of "separate storm sewer," they shall be subject to these regulations. It should be noted, however, that by taking this position EPA is not thereby requiring that a permit be issued to every ditch and culvert throughout the Nation, a result which is entirely contrary to EPA's intent in promulgating these regulations. Except where designated by permit issuing authorities as constituting "significant contributors of pollution," highway runoff systems which are located in rural areas will not be subject to these regulations. Furthermore because most urban drainage systems are a part of larger stormwater collection systems, they will be regulated via any requirements which are imposed upon the entire systems. The inclusion of conveyances which carry highway rainfall runoff is consistent with EPA's comprehensive approach to the definition of "separate storm sewer." Finally, it should be noted that runoff from roads associated with silvicultural activities will be covered by the final regulations governing silvicultural activities.

(c) "Urbanized Area". There was general support in the comments for EPA's proposal that the regulations only apply to storm sewers located in U.S. Census-defined urbanized areas (with the exception of rural systems found to be significant contributors of pollution). This restriction is consistent with EPA's intent that rural runoff be controlled via the section 208 planning process and enables permitting activities to be directed to urban sources which are more apt to carry pollutants associated with commercial and industrial operations.

One commenter urged that instead of the "urbanized area" differentiation EPA should define the storm sewers to be covered by describing classes of storm water runoff—e.g., commercial, residential, manufacturing, and so forth. EPA has considered this suggestion and has determined that it is not possible to define with any degree of precision what is and is not a storm sewer based upon the source of a collection system's runoff load. Most systems carry storm water emanating from a variety of sources and

to use a definition of "separate storm system" based upon the type of area served would create innumerable administrative and regulatory problems. The term "urbanized area" is well defined and easily referenced (see 30 FR 15202 (May 1, 1974)) and provides an appropriate mechanism for effecting EPA's urban-rural distinction in applying the NPDES program to separate storm sewers.

Any storm water systems which are not located in urbanized areas will be subject to these regulations only if designated "significant contributors of pollution." All other "non-urbanized" storm systems will be considered by EPA to be nonpoint in nature and not subject to the section 402 permit program. In this way EPA is able to use the Census Bureau's categorization to define "separate storm sewer" without resorting to a complicated and confusing definition which attempts to tie the regulations' scope to various sources of storm water runoff.

(d) *Designed, Constructed, and Operated for the Purpose of Collecting and Conveying*. As defined in the proposed regulations, a storm water collection system must be "designed, constructed, and operated for the purpose of collecting and conveying" storm water runoff in order to be a "separate storm sewer." Several commenters indicated that this language, and the parts of the preamble which discussed it, were unnecessarily vague and confusing. In recognition of these criticisms, EPA has modified its proposed language to read "primarily operated for the purpose of collecting and conveying" storm water runoff. Thus these regulations' applicability to a given system will depend upon the primary purpose for which that system is presently operated. By deleting the words "designed" and "constructed" EPA has made it unnecessary for dischargers and permittees to become involved in a detailed evaluation of a system's history and development. This is particularly important in light of EPA's focus in the definition upon entire systems of conveyances, because such systems often are composed of several parts which have been planned and built at various times by different parties (and often in the absence of a single comprehensive development plan for the entire system). The word "primarily" is intended to exclude combined sewer systems from coverage by these regulations. Such systems remain subject to the general provisions of Parts 124 and 125.

(e) *Storm Runoff Uncontaminated*. The definition of "separate storm sewer" in the regulations proposed on December 5, 1975, would apply to systems built and operated for the purpose of carrying "discharges composed entirely of storm runoff uncontaminated by process waste from any industrial or commercial activity." Thus the presence or absence of non-runoff industrial or commercial hookups was a factor in determining whether a given sewer system would be defined as a "separate storm sewer." Several commenters noted that most storm water collection systems

carry "process waters" discharged from industrial or commercial hookups, although the number and significance of such connections vary between systems. Others stated that both the word "uncontaminated" and the phrase "industrial or commercial activity" are so vague that they may be used to exclude all systems which carry runoff containing any pollutants associated with any economic activity, i.e. all storm water systems.

Consistent with the other modifications which EPA has made to the definition of "separate storm sewer," EPA now has deleted any reference to nonrunoff contaminants or hookups and will use the term "storm water runoff." This does not mean that commercial or industrial hookups are free to discharge without obtaining NPDES permits. Any such connections must be permitted pursuant to the general provisions of Parts 124 and 125. In particular, these final regulations state that discharges from lands or facilities used for industrial or commercial activities are not included in the definition of "separate storm sewer" if they contain process waste water or storm water contaminated by contact with aggregations of wastes, raw materials, or pollutant-contaminated soil. But so long as the sewer systems themselves are operated primarily for the purpose of collecting and conveying storm water runoff they will be subject to these regulations. Of course, in any situation in which a system subject to these regulations is seriously polluted as a result of hookups discharging process wastes, the permitting authority may require that the system itself (in addition to the industrial or commercial contributions) be covered by a conventional NPDES permit(s).

(f) *General Provisions*. As noted in the discussion of the term "urbanized area," EPA intends for these regulations to apply primarily to storm sewers found in urban parts of the country. Most rural runoff is essentially nonpoint in nature and should be regulated under the FWPCA pursuant to the section 208 planning process. However, there may be particular rural runoff situations in which it is both necessary and appropriate to utilize the NPDES permit program. The proposed regulations therefore included a provision which would enable the permitting authority to regulate those rural storm sewers which are found to be "significant contributors of pollution." This provision has been retained in the final regulations.

In the preamble to the proposed regulations, EPA stated its intent that rural storm water systems which have not been designated as significant contributors of pollution are nonpoint in nature and thus not subject to the NPDES program. However, this intent was not expressly stated in the regulations themselves, and some commenters queried whether the regulations as written would result in rural storm sewers being subject to the conventional permit program. In order to clarify EPA's intent, a comment has been added to the definition section of the regulations which makes explicit the

Agency's intent that rural storm sewers (which have not been designated as "significant contributors") not be considered point sources and thus not be subject to the requirements of section 402.

3. *Scope and Purpose*. It is EPA's intent that these regulations apply to all conveyances which are a part of storm sewer systems (regardless of ownership), and specifically to those conveyances which connect with the part which itself discharges into navigable waters. The regulations do not, however, apply to discharges into storm sewer systems from point sources which are not themselves primarily operated for the purpose of collecting and conveying storm water runoff, such as industrial process water hookups. Such discharges would be subject to and permitted pursuant to the general provisions of Parts 124 and 125.

A few commenters indicated that there was a lack of clarity in the proposed regulations on this point. The final regulations have been written to make clear that a general permit for discharges from a storm sewer system includes all conveyances which are a part of that system. Thus so long as a point source is included within the definition of "separate storm sewer" it is subject to these regulations, whether it discharges directly into navigable waters or connects to another part of the system and thus has an indirect discharge to navigable waters. Furthermore, diverse ownership with regard to different parts of a system is not to be considered in determining the applicability of these regulations.

4. *Authorization to Discharge, General Permits, and Other Permitting Activities*. Only one commenter (NRDC) objected to the section in the proposed regulations which would authorize discharges from separate storm sewers subject to (1) any future regulations which EPA might issue and (2) the right of the permitting authority to require individual storm sewer dischargers to apply for conventional NPDES permits.

NRDC urged EPA to adopt a permit program which would require all owners/operators of discharging storm sewers to file NPDES permit applications containing basic information about their storm water systems, the results of any sampling and monitoring performed to date, and a description of any current efforts to abate storm water pollution. Under NRDC's proposed plan, "Phase I" NPDES permits would be issued to such dischargers which would require the owners/operators to develop and submit plans for the control and abatement of storm water pollution. Such plans would be developed in coordination with section 208 planning efforts and would be submitted when the 208 plans are submitted (November 1978). Based upon these plans, "Phase II" permits would be issued containing terms which reflect the adoption of the best of the available, economically reasonable pollution control measures. Such terms might require the adoption of best management practices, numerical end-of-pipe effluent limitations, or a combination of the two,

and would require implementation of the abatement plans by mid-1983.

In general, EPA believes that storm water runoff constitutes a significant source of water pollution. However, for the reasons stated both in the December 5 publication and in this preamble, EPA believes that an individualized permit program is neither technologically nor economically appropriate. The section 208 plan should be used as the primary mechanism under the FWPCA to control storm water pollution, but this should not be effectuated in most cases via the section 402 permit program. Thus conventional NPDES permits should be issued to only a limited number of the most serious sources of storm water pollution.

With regard to the provisions that EPA may in the future issue regulations which require some type of permits to be issued to owners/operators of storm sewers, some commenters stated that permits should not be required until EPA has first carried out extensive research activities which result in the development of proven runoff control technologies. According to these commenters, such research activities should be carried out separately from the section 402 regulatory permit program and should focus upon a limited number of representative storm water situations. A number of other commenters stated that any future permitting should be accomplished by using general permits and not through the issuance of an individual permit to every owner-operator of a storm sewer.

The Agency has determined that to comply with the order of the district court it must provide for the issuance of general permits for storm sewer dischargers. Therefore, subsection (c)(1) and (c)(2) of the proposed regulations have been deleted and replaced in these final regulations by a comment which states that EPA will in the near future propose procedures and guidelines for the issuance of general permits. It is expected that these proposed procedures will be published in the FEDERAL REGISTER concurrent with promulgation therein of regulations extending the NPDES program to agricultural activities (also in response to the court order *NRDC v. Train*). The proposed agricultural regulations were published on February 23, 1976, at 41 FR 7963, and contemplate general permits. The procedures which will be proposed for the issuance of general permits for storm sewers will include terms and conditions, notice, and opportunity for a hearing. The exact content of these procedures will reflect in part EPA's review of comments received in response to the proposed agricultural regulations.

At this time, EPA does not contemplate the imposition of an across-the-board inventorying, monitoring, and sampling program applicable to every storm water discharger. However, the Agency intends to evaluate the runoff problem and to develop pollution abatement plans via the 208 planning process. As this work proceeds and as abatement programs are developed, EPA may then be better able

to apply the NPDES program to storm sewers. Thus EPA does not concur with those commenters who stated that the Agency should never issue permits of any kind (i.e., individual or general) to storm water dischargers. As runoff abatement technologies become available, EPA intends to apply such technologies to storm sewers via the permit program where it is practicable and appropriate to do so. Furthermore, it is anticipated that permit-issuing authorities will use the authority provided by these regulations to require the most serious polluters to obtain conventional NPDES permits.

Few commenters addressed themselves specifically to the provision in the proposed regulations that the permit issuing authority may require any storm sewer to be covered by an individual permit. Although these final regulations contemplate the issuance of general permits for separate storm sewers, permitting authorities must retain the ability to issue conventional permits on a case-by-case basis where it is economically and technologically appropriate to do so. Therefore, proposed paragraph (c)(3) has been retained as a comment in these final regulations. The retention of this authority is particularly important in light of the broad definition of "separate storm sewers" found in these final regulations, for without this authority a large number of point sources would only be subject to regulation by general permits in the foreseeable future. And by granting such authority without including in the regulations specific criteria for its use, EPA gives those who issue permits a maximum amount of discretion to draw upon their own knowledge of local environmental, economic, and technological conditions. EPA anticipates that most permits issued pursuant to this authority will focus upon egregious sources of runoff pollution and will contain terms which initially require inventorying, monitoring, and/or the development of pollution control plans.

Dated: March 10, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 124 of Title 40 of the Code of Federal Regulations, setting forth State program elements necessary for participation in the National Pollutant Discharge Elimination System, is amended as follows:

§ 124.11 [Amended]

1. Section 124.11 is amended by deleting paragraph (f) and by relettering paragraphs (g) and (h) to (f) and (g) respectively.

§ 124.80 Redesignated 124.81.

2. Subpart I of Part 124 is amended by deleting the title "Disposal of Pollutants Into Wells" and adding a new title "Special Programs," and by renumbering § 124.80 to § 124.81.

3. Subpart I of Part 124 is amended by adding a new § 124.83, Separate Storm Sewers, as follows:

§ 124.83 Separate Storm Sewers.

(a) *Definitions.* For the purpose of this subpart:

(1) The term "separate storm sewer" means a conveyance or system of conveyances (including but not limited to pipes, conduits, ditches, and channels) located in an urbanized area and primarily operated for the purpose of collecting and conveying storm water runoff. *Provided,* however, that if the Director or the Regional Administrator designates as a significant contributor of pollution any discharge of pollutants into navigable waters from a conveyance or system of conveyances which is primarily operated for the purpose of collecting and conveying storm water runoff, even though it is not located in an urbanized area, then such conveyance or system of conveyances nevertheless shall be considered to be a "separate storm sewer" for the purpose of this Subpart. [Comment: It is EPA's intent that any system of conveyances primarily operated for the purpose of collecting and conveying storm water runoff which is not located in an urbanized area and which has not been designated by the Director or the Regional Administrator as a significant contributor of pollution shall not be considered a point source and thus will not be subject to the provisions of this part.]

(2) The term "separate storm sewer" does not include any conveyance which discharges process waste water or storm water runoff contaminated by contact with aggregations of wastes, raw materials, or pollutant-contaminated soil, from lands or facilities used for industrial or commercial activities, into navigable waters or into another conveyance or system of conveyances defined in subsection (a)(1) of this section as a separate storm sewer. Such a conveyance shall be subject to the general provisions of this part.

(3) The term "process waste water" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

(4) The term "urbanized area" means an area designated from time to time by the Bureau of Census as urbanized according to the criteria listed in 39 FR 15202 (May 1, 1974).

Comment: Procedures for the issuance of general permits, including terms and conditions, notice, and opportunity for a hearing, may be proposed by the Director consistent with guidelines to be issued simultaneously with the promulgation of regulations extending the NPDES permit program to agricultural activities. Proposed regulations for agricultural activities were published in the FEDERAL REGISTER on February 23, 1976, at 41 FR 7963. Notwithstanding the future issuance of general permits, the Director or the Regional Administrator may require the owner or operator of any separate storm sewer, or any portion thereof, which discharges pollutants into navigable waters to apply for a permit pursuant to the general provisions of this part.

An NPDES permit for discharges into navigable waters from a separate storm sewer includes all conveyances which are a part of that separate storm sewer

system, regardless of the fact that there may be several owners-operators of such conveyances.

An NPDES permit for discharges of pollutants from separate storm sewers does not apply to discharges of pollutants into separate storm sewers from point sources which are not part of the separate storm sewer systems (see paragraph (a) above). Discharges into separate storm sewers from point sources which are not part of the separate storm sewer systems are subject to the general provisions of this part.

Part 125 of Title 40 of the Code of Federal Regulations, setting forth policies and procedures for the Environmental Protection Agency's administration of its role in the National Pollutant Discharge Elimination System, is amended as follows:

§ 125.4 [Amended]

1. Section 125.4 is amended by deleting paragraph (f) and by relettering paragraphs (g), (h), (i), and (j) to (f), (g), (h), and (i) respectively.

2. Part 125 is amended by adding a new Subpart F, Special Programs, as follows:

Subpart F—Special Programs

§ 125.52 Separate Storm Sewers.

(a) *Definitions.* For the purpose of this subpart:

(1) The term "separate storm sewer" means a conveyance or system of conveyances (including but not limited to pipes, conduits, and channels) located in an urbanized area and primarily operated for the purpose of collecting and conveying storm water runoff. *Provided*, however, that if the Director or the Regional Administrator designates as a significant contributor of pollution any discharge of pollutants into navigable waters from a conveyance or system of conveyances which is primarily operated for the purpose of collecting and conveying storm water runoff, even though it is not located in an urbanized area, then such conveyance or system of conveyances nevertheless shall be considered to be a "separate storm sewer" for the purpose of this Subpart. [Comment: It is EPA's intent that any conveyance or system of conveyances primarily operated for the purpose of collecting and conveying storm water runoff which is not located in an urbanized area and which has not been designated by the Director or the Regional Administrator as a significant contributor of pollution shall not be considered a point source and thus will not be subject to the provisions of this part.]

(2) The term "separate storm sewer" does not include any conveyance which discharges process waste water or storm water runoff contaminated by contact with aggregations of wastes, raw materials, or pollutant-contaminated soil, from lands or facilities used for industrial or commercial activities, into navigable waters or into another conveyance or system of conveyances defined in subsection (a) (1) of this section as a separate storm sewer. Such a conveyance shall be subject to the general provisions of this part.

(3) The term "process waste water" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

(4) The term "urbanized area" means an area designated from time to time by the Bureau of Census as urbanized according to the criteria listed in 39 FR 15202 (May 1, 1974).

Comment: Procedures for the issuance of general permits, including terms and conditions, notice, and opportunity for a hearing, shall be proposed in the FEDERAL REGISTER simultaneously with the promulgation of regulations extending the NPDES permit program to agricultural activities. Proposed regulations for agricultural activities were published in the FEDERAL REGISTER on February 23, 1976, at 41 FR 7963. Notwithstanding the future issuance of general permits, the Director or the Regional Administrator may require the owner or operator of any separate storm sewer, or any portion thereof, which discharges pollutants into navigable waters to apply for a permit pursuant to the general provisions of this part.

An NPDES permit for discharges into navigable waters from a separate storm sewer includes all conveyances which are a part of that separate storm sewer system, regardless of the fact that there may be several owners-operators of such conveyances.

An NPDES permit for discharges of pollutants from separate storm sewers does not apply to discharges of pollutants into separate storm sewers from point sources which are not part of the separate storm sewer systems (see paragraph (2) above). Discharges into separate storm sewers from point sources which are not part of the separate storm sewer systems are subject to the general provisions of this part.

[FR Doc.76-7665 Filed 3-17-76;8:45 am]

[FRL 506-2; PP5F1612/R77]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Benomyl

On May 8, 1975, notice was given (40 FR 20129) that E. I. duPont de Nemours & Co., 6054 duPont Bldg., Wilmington DE 19898, had filed a petition (PP 5F1612) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.294 be amended to establish tolerances for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl) - 2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on rice at 5 parts per million (ppm) and rice straw at 15 ppm. (A related document on benomyl amending 21 CFR 561.50 also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant materials have been evaluated and it has been determined that the tolerances should be established. The

pesticide is considered useful for the purpose for which the tolerances are sought. Furthermore, the established tolerances for meat, milk, poultry, and eggs are adequate to cover both the existing and proposed uses, and Section 180.6(a)(2) applies. The tolerances established by amending 40 CFR 180.294 will protect the public health.

Any person adversely affected by this regulation may, on or before April 19, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington, DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective March 18, 1976, Part 180, Subpart C, § 180.294 is amended as set forth below.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: March 15, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

Section 180.294 is amended by revising the paragraphs "15 parts per million * * *" and "5 parts per million * * *" to include tolerances for rice straw and rice, respectively, as follows.

§ 180.294 Benomyl; tolerances for residues.

15 parts per million in or on peanut forage, peanut hay, rice straw, and sugar beet tops.

* * *
5 parts per million in or on rice, strawberries, and tomatoes.

[FR Doc.76-7815 Filed 3-17-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amdt. E-181]

PART 101-30—FEDERAL CATALOG SYSTEM

Federal Catalog System

This amendment provides policy and procedural changes in GSA's Federal Catalog System.

The table of contents for Part 101-30 is amended by revising or adding the following entries:

Sec.	
101-30.101-1	Civil agency item.
101-30.101-2	Item of supply.
101-30.101-3	National stock number.
101-30.101-4	Federal item identification.
101-30.101-5	Cataloging.
101-30.101-6	Cataloging activity.
101-30.101-7	Federal Catalog System.
101-30.101-8	Conversion

Sec.	
101-30.101-9	Item entry control.
101-30.101-10	GSA section of the Federal Supply Catalog.
101-30.101-11	Recorded data.
101-30.101-12	Item identification data.
101-30.101-13	Management data.
101-30.101-14	Maintenance action.
101-30.101-15	Data preparation.
101-30.101-16	Data transmission.
101-30.303	Responsibility.
101-30.502	[Reserved]

Section 101-30.000 is revised as follows:

§ 101-30.000 Scope of part.

This part provides for a Federal Catalog System by which items pursuant to § 101-30.301 are uniformly identified to facilitate management of all logistical operations from determination of requirements through disposal. This system provides a standard reference language or terminology to be used by all persons engaged in the process of supply, a prerequisite for integrated item management under the national supply system concept.

Subpart 101-30.1—General

1. Sections 101-30.101-1 through 101-30.101-8 are redesignated and revised as follows:

§ 101-30.101-1 Civil agency item.

"Civil agency item" means an item of personal property entering the supply systems of civil agencies, including direct delivery requirements as well as materials stocked for subsequent issue.

§ 101-30.101-2 Item of supply.

"Item of supply" means a single item of production or two or more items of production that are functionally interchangeable in required applications. An item of supply may consist of any number of pieces or objects which are treated in the supply operations of a Government activity as being identical. The concept of each item of supply is expressed in, and fixed by, an item identification.

§ 101-30.101-3 National stock number.

The "national stock number" (NSN) is the identifying number assigned to each item of supply. The NSN consists of the 4-digit Federal Supply Classification (FSC) code and the 9-digit national item identification number (NIIN). The written, printed, or typed NSN configuration is 1234-00-567-8901. The following terms are elements of the 13-digit national stock number:

- (a) "Federal Supply Classification" (FSC) is a 4-digit number which groups similar items into classes.
- (b) "National Codification Bureau" (NCB) code is a 2-digit number designating the central cataloging office of the NATO or other friendly country which assigned the national item identification number (NIIN) and is used as the first two digits of the NIIN.
- (c) "National item identification number" (NIIN) is a 9-digit number

composed of the NCB code number (2-digits) followed by 7 other nonsignificant digits.

§ 101-30.101-4 Federal item identification.

"Federal item identification" means the approved item identification for the item of supply, plus the national stock number assigned to that item identification. It consists of four basic elements: the name of the item, the identifying characteristics, the Federal Supply Classification code, and the national item identification number.

§ 101-30.101-5 Cataloging.

"Cataloging" means the process of uniformly identifying, describing, classifying, numbering, and publishing in the Federal Catalog System all items of personal property (items of supply) repetitively procured, stored, issued, and/or used by Federal agencies.

§ 101-30.101-6 Cataloging activity.

"Cataloging activity" means the activity of a Federal agency having responsibility for performing cataloging operations in identifying and describing items of supply in the Federal Catalog system.

§ 101-30.101-7 Federal Catalog System.

"Federal Catalog System" means the single supply catalog system designed to uniformly identify, classify, name, describe, and number the items of personal property used by the Federal Government by providing only one classification, one name, one description, and one item identification number for each item of supply. It provides a standard reference language or terminology to be used by all persons engaged in the process of supply.

§ 101-30.101-8 Conversion.

"Conversion" means the changeover from using existing supply classifications, stock numbers, names, and identification data to using those of the Federal Catalog System in all supply operations, from determination of requirements to final disposal.

2. Section 101-30.101-10 is redesignated and revised as follows:

§ 101-30.101-10 GSA section of the Federal Supply Catalog.

"GSA section of the Federal Supply Catalog" means a series of supply catalogs issued by GSA as an integral part of the Federal Supply Catalog. These catalogs indicate the source for obtaining supplies and services and contain ordering instructions and related supply management data.

3. Sections 101-30.101-11 through 101-30.101-16 are added as follows:

§ 101-30.101-11 Recorded data.

"Recorded data" means the data which are associated with a national stock number and are recorded on microfilm or magnetic computer tape at the Defense Logistics Services Center (DLSC), Battle Creek, MI 49016.

§ 101-30.101-12 Item identification data.

"Item identification data" means recorded data which are used to differentiate an item from all other items. Item identification data are composed of data that describe the essential physical characteristics of the item and reference data that relate the item to other identifying media (such as manufacturers' part numbers, identified blueprints, suppliers' catalogs, or the like).

§ 101-30.101-13 Management data.

"Management data" means recorded data that relate an item to the individual agency's supply system for purposes of supply management as standardization, source of supply, or inventory control. Management data do not affect the identification of an item.

§ 101-30.101-14 Maintenance action.

"Maintenance action" means any action taken subsequent to conversion to the Federal Catalog System which changes the previously reported identification or management data as to a cataloged item, or which introduces a new item into the Federal Catalog System.

§ 101-30.101-15 Data preparation.

"Data preparation" means the conversion of item identification and management data to the appropriate Automated Data Processing (ADP) format.

§ 101-30.101-16 Data transmission.

"Data transmission" means the operation of telecommunication equipment for the receipt and transmission of item identification and management data.

4. Sections 101-30.102(b) and (c) are revised as follows:

§ 101-30.102 Objectives.

(b) To name, describe, identify, classify, and number each item of personal property to be included in the Federal Catalog System so that the same items will have a single Federal item identification within and among the organizational elements of all Federal agencies.

(c) To collect, maintain, and publish such Federal catalog data and related supply management data as may be determined necessary or desirable to reflect such benefits to supply management as:

- (1) Assistance in standardization of supplies and equipment;
- (2) Disclosure of interchangeability and substitutability of items;
- (3) Reduction in inventories of stock and increased rates of turnover;
- (4) Increase in vendor competition and broader sources of supply;
- (5) Provision of data for determining the most effective and economical method of item management on a Federal agency systemwide basis;
- (6) Enhance item entry control;
- (7) Facilitation of better interagency and intra-agency use of supplies, equipment, and excess stocks, and more exact

identification of surplus personal property; and

(8) Assistance in providing precise statistics for budget and financial accounting purposes.

5. Sections 101-30.103-1 (a) and (c) are revised as follows:

§ 101-30.103-1 General.

(a) The provisions of section 206 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 487) authorize the Administrator of General Services to establish and maintain a uniform Federal Catalog System to identify and classify personal property under the control of Federal agencies. Under this law each Federal agency is required to utilize the uniform Federal Catalog System, except as the Administrator of General Services shall otherwise provide, taking into consideration efficiency, economy, and other interests of the Government.

(c) Both laws require that the Administrator of General Services and the Secretary of Defense shall coordinate the cataloging activities of GSA and the Department of Defense to avoid unnecessary duplication.

Subpart 101-30.2—Cataloging Handbooks and Manuals

1. In § 101-30.201, (b) (1) through (4) are revised and (5) added as follows:

§ 101-30.201 General.

(1) *Federal Catalog System Policy Manual (DOD 4130.2-M)*. This manual prescribes the operating policies and instructions covering the maintenance of a uniform catalog system.

(2) *Defense Integrated Data System (DIDS) Procedures Manual (DOD 4100.39-M)*. This manual prescribes the procedures covering the maintenance of a uniform catalog system.

(3) *Federal Supply Classification (Cataloging Handbook H2)*. This handbook includes the listings and indexes necessary for utilizing the commodity classification (grouping related items of supply) as prescribed by the Federal Catalog System Policy Manual.

(4) *Federal Supply Code for Manufacturers (Cataloging Handbook H4)*. This handbook includes a comprehensive listing of the names and addresses of manufacturers who have supplied or are currently supplying items of supply used by the Federal Government and the applicable 5-digit code assigned to each.

(5) *Federal Item Name Directory (FIND) for Supply Cataloging (Cataloging Handbook H6)*. This handbook includes names of supply items with definitions, Item Name Codes, and other related data required to prepare item identifications for inclusion in the Federal Catalog System.

2. In § 101-30.202, (a) (1) and (b) (2) are revised as follows:

§ 101-30.202 Policies.

(a) *Identification*. (1) Each civil agency shall ensure that each of its items authorized for cataloging is included and maintained in the Federal Catalog System as prescribed in the Federal Catalog System Policy Manual.

(b) *Federal Supply Classification (FSC)*. (1) * * *

(2) Each item included in the Federal Catalog System shall be classified under the Federal Supply Classification and shall be assigned only one 4-digit class in accordance with the rules prescribed in the Federal Catalog System Policy Manual.

Subpart 101-30.3—Cataloging Items of Supply

1. Section 101-30.301 is revised as follows:

§ 101-30.301 Types of items to be cataloged.

Items of personal property in the civil agency systems that are subject to repetitive procurement, storage, distribution and/or issue, and all locally purchased, centrally managed items will be named, described, identified, classified, and numbered (cataloged) in the Federal Catalog System. Other locally purchased items may be cataloged based upon civil agency requirements. The term "repetitive" will be construed to mean continual or recurring and applies to those items for which a need is deemed to exist within the appropriate civil agency.

2. Section 101-30.302(c) is revised as follows:

§ 101-30.302 Types of items excluded from cataloging.

(c) Items procured on a one-time or infrequent basis for use in research and development, experimentation, construction, or testing and not subject to centralized item inventory management, reporting, or stock control.

3. Section 101-30.303 is revised as follows:

§ 101-30.303 Responsibility.

Each agency shall ensure that each of its items to be cataloged is included and maintained in the Federal Catalog System as prescribed in the Federal Catalog System Policy Manual.

Subpart 101-30.4—Use of the Federal Catalog System

1. Section 101-30.401 is revised as follows:

§ 101-30.401 Publication of Federal catalog data.

Approved Federal item identification data is published and maintained in microfiche form and is distributed to cat-

aloging and supply management activities as required to meet their varying operational needs.

2. Section 101-30.401-2 is revised as follows:

§ 101-30.401-2 Data for civil agencies.

Catalog data will be provided to participating civil agencies via telecommunications or mail (i.e., magnetic tapes or electric accounting machine cards).

3. Section 101-30.403-2 is revised as follows:

§ 101-30.403-2 Management codes.

For internal use within an agency, alphabetic codes excluding letters "I" and "O" may be prefixed or suffixed to the national stock number as CM7520-00-123-4567 or 7520-00-123-4567CM, as required for supply management operations. Numeric codes shall not be affixed immediately adjacent to or as a part of the national stock number, nor shall codes be intermingled in the national stock number.

4. Section 101-30.404 is amended as follows:

§ 101-30.404 Exemptions from the system.

If an agency believes that the benefits of the Federal Catalog System may be realized without formal participation, a request for exemption shall be submitted to the General Service Administration (GSA), Washington, D.C. 20406. Subsequent to review of the request for exemption, GSA will inform the agency concerned of the decision which will include appropriate instructions to implement the decision. The request for exemption shall include, but not be limited to the following information:

Subpart 101-30.5—Maintenance of the Federal Catalog System

1. Section 101-30.501 is revised as follows:

§ 101-30.501 Applicability.

In accordance with the provisions of the Federal Catalog System Policy Manual (DOD 4130.2-M) and the Defense Integrated Data System (DIDS) Procedures Manual (DOD 4100.39-M) (see § 1101-30.201), the Defense Logistics Services Center (DLSC), Battle Creek, MI 49016, has established an automatic data processing capability for receiving, storing, and retrieving data associated with the Federal Catalog System. GSA is the agency designated to coordinate the cataloging efforts of civilian agencies with DLSC to ensure the integrity of the system and the compatibility of military and civil agency participation in the Federal Catalog System.

§ 101-30.502 [Reserved]

2. Section 101-30.502 is deleted and reserved.

3. Section 101-30.503 is amended as follows:

§ 101-30.503 Maintenance actions required.

After converting to the Federal Catalog System, the agency concerned shall promptly take maintenance actions affecting the items converted and new items to be added. These actions may include deletion or revision of item identification or management data, or any other change required to ensure that the recorded data are maintained on a current basis. Submission of data to DLSC shall be as follows:

(a) Agencies with cataloging and data preparation and transmission capabilities, when authorized by GSA, shall submit data direct to DLSC as prescribed in the Defense Integrated Data Systems (DIDS) Procedures Manual (DOD 4100-39-M) for those items which are mission peculiar.

(b) Agencies not having the capabilities cited in paragraph (a) of this section shall prepare GSA Form 1303, Request for Federal Cataloging/Supply Support Action, as instructed on the reverse of the form and forward the form to the General Services Administration (FFL), Washington, D.C. 20406, for the performance of all cataloging functions and/or the preparation and transmission of data to DLSC when required.

4. Section 101-30.504 is revised as follows:

§ 101-30.504 Cataloging data from Defense Logistics Services Center (DLSC).

Upon receipt of cataloging data from civil agencies, DLSC will process the data and provide for its inclusion in the Federal Catalog System. Notification to the submitting agencies of the action taken by DLSC will be as required in the Federal Catalog System Policy Manual (DOD 4130.2-M) by means of electric accounting machine cards, magnetic tape, or wire transmission, depending on the capabilities of the submitting agency. This information shall be sent to the submitting agency when the agency is designated as the direct data receiver by GSA. Otherwise, DLSC will transmit the required information to GSA for forwarding to the submitting agency, when required.

5. Section 101-30.505 is revised as follows:

§ 101-30.505 Assistance by Government suppliers.

When a new item is to be introduced into an agency supply system, the agency establishing the need for the new item shall determine whether or not adequate identification data for cataloging the item are available. If the data are not available, the agency may specify in procurement documents the use of Federal Standard No. 5, Standard Guides for Preparation of Proposed Item Logistics Data Records, and submission of the cataloging data required by that standard to the contracting officer (for further processing in accordance with this Subpart 101-30.5).

Subpart 101-30.49—Illustrations of Forms

Section 101-30.4902(b) is revised as follows:

§ 101-30.4902 GSA Forms.

(b) GSA forms illustrated in this § 101-30.4902 may be obtained initially from the General Services Administration (3FNDD), Union and Franklin Streets Annex, Building 11, Alexandria, VA 22314. Agency regional or field offices should submit future requirements to their Washington, D.C. headquarters office which will forward consolidated annual requirements to the General Services Administration (BRO), Washington, DC 20405.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective March 18, 1976.

Dated: March 10, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc. 76-7773 Filed 3-17-76; 8:45 am]

Title 45—Public Welfare**CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE****PART 121a—ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN****Special Funding Grants to the Outlying Areas**

Pursuant to the authority contained in section 611 of the Education of the Handicapped Act (EHA), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, hereby amends Part 121a of Title 45 of the Code of Federal Regulations by revising § 121a.81 to read as set forth below.

The existing § 121a.81, published at 40 FR 27459 (June 30, 1975), set forth a regulation to govern the award of grants under Part B of the EHA to the jurisdictions of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands for the fiscal year ending June 30, 1975, under a special one-year funding provision set forth in section 611(c) of EHA which was added by Sec. 614(a) of the Education Amendments of 1974 (Public Law 93-380, enacted August 21, 1974). Section 611 has been subsequently amended by section 2(a)(1)(B) of Public Law 94-142 (the Education of All Handicapped Children Act, enacted November 29, 1975) to delete Puerto Rico from the list of Outlying Areas (Puerto Rico is treated as a State under Part B beginning in fiscal year 1976), and by section 2(a)(2) to make section 611 applicable to fiscal years 1975 and 1976, to the period from July 1, 1976 through September 30, 1976, and to the fiscal year ending September 30, 1977. Further, section 5(a) of Public Law 94-142 adds a new subsection 611(e) which will be effective for fiscal year 1978 (beginning October 1, 1977),

which would continue the substance of this provision thereafter.

The text of existing § 121a.81 is redesignated as § 121a.81(a), so that persons will be aware of what criteria were used for grants to the Outlying Areas in fiscal year 1975. A new § 121a.81(b) is added to set forth the criteria which will be utilized for each fiscal year beginning with fiscal year 1976.

The formula used in fiscal year 1975 has been retained for succeeding fiscal years for the affected Outlying Areas. When the formula was published in proposed form in 1975, no public comments were received. Under these circumstances, given the need for the regulation as a basis for making awards to the Outlying Areas during fiscal year 1976, the Commissioner has determined that the notice of proposed rulemaking procedure should be waived under the authority of 5 U.S.C. 553(b) as being unnecessary and contrary to the public interest.

Section 612(d) of the EHA, as added by section 2(d) of Public Law 94-142, requires the Commissioner "no later than one hundred twenty days after [November 29, 1975], prescribe and publish in the FEDERAL REGISTER such rules as he considers necessary to carry out the provisions of this section [612] and section 611." After reviewing these two sections, the Commissioner has determined that the regulatory change set forth below is all that will be necessary under these two sections. Section 611(d) requires that funds provided to the Secretary of the Interior shall be under "such criteria as the Commissioner determines will best carry out the purposes of this part." This provision was previously implemented in the regulations published in the FEDERAL REGISTER on May 1, 1975 (40 FR 18998-19009). (See § 121a.3). As noted above, the criteria for distributing funds to the Outlying Areas during fiscal year 1975 was also previously implemented. Regulations under other sections of the EHA, as added or amended by Public Law 94-142, will be published in the future as a separate document or documents, and an opportunity for public comment will be provided.

Effective date. Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this regulation has been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning congressional action and adjournment.

(Catalog of Federal Domestic Assistance Program No. 13.449, Handicapped Preschool and School Programs)

Dated: February 11, 1976.

T. H. BELL,
U.S. Commissioner
of Education.

Approved: March 11, 1976.

DAVID MATHEWS,
Secretary of Health, Education,
and Welfare.

Part 121a of Title 45 of the Code of Federal Regulations is amended by revising § 121a.81 to read as follows:

§ 121a.81 Criteria for grants to outlying areas.

(a) *Fiscal year 1975.* Funds appropriated for fiscal year 1975 under section 611(a) of the Act will be allocated proportionately among the several jurisdictions which are subject to that section (the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) on the basis of the number of children aged three to twenty-one, inclusive, in each jurisdiction, except that no jurisdiction shall receive less than an amount equal to \$150,000, and other allocations will be ratably reduced if necessary to assure that each jurisdiction receives at least such an amount.

(Public Law 93-380, Section 614(a) (1974))

(b) *Subsequent fiscal years.* Beginning after fiscal year 1975, funds appropriated under section 611 of the Act for the jurisdictions of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands will be allocated proportionately among those jurisdictions on the basis of the number of children aged three to twenty-one, inclusive, in each jurisdiction, except that no jurisdiction shall receive less than an amount equal to \$150,000, and other allocations will be ratably reduced if necessary to assure that each jurisdiction receives at least that amount.

(Public Law 94-142, Section 2(a) (1)-(3) and Section 5(a) (1975))

[FR Doc.76-7711 Filed 3-17-76;8:45 am]

PART 192—STATE STUDENT INCENTIVE GRANT PROGRAM

Allotment Procedures for Fiscal Year 1976

On pages 57829-57830 of the FEDERAL REGISTER of December 12, 1975 (40 FR 57829), there was published a notice which set forth proposed allotment and application procedures under the State Student Incentive Grant Program for Fiscal Year 1976. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed procedures. No responses were received; therefore, the proposed procedures are adopted without change and are set forth below.

These procedures supersede, for Fiscal Year 1976 only, the amendment to 45 CFR 192.3 which deals with allotment procedures for continuing grants (§ 192.3 (e)) published in the FEDERAL REGISTER on April 23, 1975 (40 FR 17844). Furthermore, these procedures apply only to those States which are eligible, on the basis of having received grants under the SSIG Program for Fiscal Year 1974 and/or Fiscal Year 1975, to apply for funds under the Fiscal Year 1976 appropriation for both continuation and initial awards. The remaining States (Alaska, Arizona, Nevada, New Hampshire, New Mexico, American Samoa, and Guam) may apply for grants for initial awards only, under the allotment formula and application procedures set forth in the currently ap-

plicable regulations. The application and allotment procedures are as follows.

Part 192 is amended by revising § 192.3 (e) to read as follows:

§ 192.3 Allotment and reallocation.

(e) (1) From the sum appropriated for the SSIG Program for Fiscal Year 1976, the Commissioner will allot to each State that applies for such funds an amount which bears the same ratio to such sum as the number of students in attendance as at least half-time students at institutions of higher education in such State bears to the total number of such students in such attendance in all such States. (A table containing a distribution among all States has been appended to the Fiscal Year 1976 State application form as a guide for the States in developing their applications.)

(2) Each State wishing to obtain a grant under this Program shall apply for such grant in accordance with the provisions of the program regulations (45 CFR 192.5). In such application, each State will specify what proportion of its allotment it intends to use for continuing awards and what proportion for initial awards.

(3) The Commissioner will review all State applications for conformity with the program statute and regulations, and will approve all requests for continuation awards where the amount applied for does not exceed the amount of the State's allotment established under paragraph (1) above. The difference between the amount of each State's allotment and the amount approved for continuation awards by the State may be used by the State for making initial awards.

(4) The Commissioner may require each State receiving an allotment under this Program to submit a report prior to September 30, 1976, projecting the portion, if any, of such allotment that will not be needed to make SSIG awards for the academic year 1976-77. Such unused funds may be redistributed among the other States in proportion to the original allotments.

Effective Date. Pursuant to Section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232 (d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER (March 18, 1975). That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission (May 3, 1976), subject to the provisions therein concerning Congressional action and adjournment.

(20 U.S.C. 1070c-1)

(Catalog of Federal Domestic Assistance No. 13.548: State Student Incentive Grant Program)

Dated: January 22, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 11, 1976.

DAVID MATHEWS,
Secretary of Health,
Education, and Welfare.

[FR Doc.76-7774 Filed 3-17-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-197]

PART 97—AMATEUR RADIO SERVICE

"Repeater Station"

1. The Commission intends by this Order to delete all reference to intracompany communications in the definition of "repeater station" in Section 97.3(i) of the Commission's Rules.

2. Presently, Section 97.3(i) of the Rules defines a "repeater station" as a "[s]tation licensed to automatically retransmit the radio signals of other amateur radio stations for the purpose of extending their intracompany radio communication range."

3. We believe that part of the definition of a repeater station limiting the permissible usage of repeater stations to the retransmission of signals within the same community to be inconsistent with recent Commission action in this area. For example, in its Report and Order in Docket 20073, FCC 75-613, released June 5, 1975, the Commission deleted its prohibition against the linking of amateur repeater stations, making intercommunity communication by means of repeater stations permissible. Additionally, in its Report and Order in Docket 20113, FCC 75-1216, released November 5, 1975, we deleted the prohibition against cross-band operation of repeater stations, and by Order released February 5, 1976, FCC 76-57, we added certain frequencies in the amateur ten meter band to the list of frequencies available for amateur repeater use.

4. In view of the foregoing, the Commission believes that any reference to the use of repeater stations in the Amateur Radio Service for intracompany communications should be deleted. Additionally, adoption of this Order is consonant with recent Commission attempts to deregulate the Amateur Radio Service.

5. Authority for this amendment appears in Sections 4(i) and 303 of the Communications Act of 1934, as amended. The prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. § 553, are unnecessary because the public is not particularly interested in the issuance of such a minor amendment of the Commission's Rules. The amendment adopted herein relieves a rule restriction, and because the persons affected need no time to modify their conduct, the effective date of the amendment may be immediate, pursuant to the Administrative Procedure Act.

6. Accordingly, it is ordered That Part 97 of the Commission's Rules is amended as set forth in the attached Appendix effective March 18, 1976.

Adopted: March 3, 1976.

Released: March 12, 1976.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[SEAL]

Section 97.3 is amended to read as follows:

§ 97.3 Definitions.

(1) *Additional station.* Any amateur radio station licensed to an amateur radio operator normally for a specific land location other than the primary station, which may be one or more of the following:

Repeater station. Station licensed to retransmit automatically the radio signals of other amateur radio stations.

[FR Doc.76-7905 Filed 3-17-76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 75-33; Notice 02]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Assemblies in Postal Service Vehicles

This notice amends Standard No. 208, *Occupant Crash Protection*, to permit certain U.S. Postal Service vehicles to meet the requirements of the standard that were in effect until January 1, 1976, instead of the new requirements that became effective on that date.

The NHTSA proposed this modification of Standard No. 208 (49 CFR 571.208) in a notice published December 31, 1975 (40 FR 60075). The occupant protection requirements in the standard until January 1, 1976, specified either a Type 1 or Type 2 seat belt assembly at the driver's position of the light delivery vehicles used by the Postal Service on delivery routes. The Postal Service's safety research organization developed a seat belt design that met the requirements and resulted in improved usage by vehicle operators.

The newer requirements now in effect for the light delivery vehicles in question require the same seat belt assembly installations as in most passenger cars, including a Type 2 seat belt assembly with non-detachable shoulder belt at each front outboard designated seating position. The Service judges that installation of Type 2 seat belts at the driver's position with non-detachable shoulder portion will decrease the percentage of seat belt use by their mail delivery personnel.

The Postal Service indicated its support for the proposal. Ford Motor Company objected to the basis of the vehicle category as a "single user exemption." The agency, while in agreement that categorization based on the status of a single user is not generally utilized, recognizes the distinctive scope and nature of U.S. Postal Service operations. The Service is a part of the Federal government, its delivery activities are unique in scope and variety, and the organization has an active safety research effort that addresses the particular environment of mail delivery by motor vehicle. No other comments were received. The agency

concludes that the new requirements for Type 2 seat belt assemblies at the driver's position in this limited category of vehicle are not justified, because their interference with the many entries and exits from the vehicle may discourage usage.

In consideration of the foregoing, S4.2.2 of Standard No. 208 (49 CFR 571.208) is amended by the addition of the phrase "vehicles designed to be exclusively sold to the U.S. Postal Service," following the phrase "motor homes."

Effective date: March 18, 1976. Because this amendment creates no additional requirements for any person, and in view of the Postal Service's need to contract for vehicles with appropriate seat belt assemblies at the earliest opportunity, an immediate effective date is found to be in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on March 12, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76-7608 Filed 3-17-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

PART 1000—THE COMMISSION

Prohibited Financial Interests

Section 1000.735-12 to Subpart B of Part 1000 of Chapter X of Title 49 of the Code of Federal Regulations, published in the FEDERAL REGISTER on March 5, 1974, at 39 FR 8326, is revised to read as follows:

§ 1000.735-12 Prohibited financial interests.

Members and employees shall not be employed by or hold any official relation to, or own any securities of, or be in any manner pecuniarily interested in carriers to the extent prohibited by the Interstate Commerce Act. This Canon prohibits (a) any direct interest in any for-hire transportation company whether or not subject to the Interstate Commerce Act and (b) any interest in any company, mutual fund, conglomerate, or other enterprise which in turn has an interest of more than ten percent of its assets invested in or derives more than ten percent of its income from any for-hire transportation company whether or not subject to the Interstate Commerce Act.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7785 Filed 3-17-76;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES)

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Apples¹

Grade Standards

On page 4832 of the FEDERAL REGISTER of Monday, February 2, 1976, there was

published a notice of proposed rulemaking to amend these grade standards by providing equivalent methods of calculating percentages in addition to weight. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this Act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the amendment of these grade standards. Section 51.309 of the U.S. Standards for Grades of Apples requires that percentages shall be calculated on the basis of count when a numerical count is marked on the container, and on the basis of weight when the minimum diameter, or minimum and maximum diameters are marked on the container, or when apples are in bulk.

This requirement has been in effect since 1931. At that time apples in containers marked as to diameter or in bulk usually showed a wide variation in size. In such cases calculation of percentages by weight was far more accurate than by any other method.

Modern marketing trends have increased the use of small consumer packages containing apples reasonably uniform in size. These packages are generally marked as to diameter and under the current requirement percentages would be calculated by weight. This is time-consuming, impractical and adds to inspection costs.

In a recent survey conducted by USDA in several producing areas, it was found that percentages calculated on the basis of count or weight were equally accurate when apples were reasonably uniform in size. The amendment, therefore, would provide an alternate method in calculating percentages in such cases.

Interested persons were given until March 1, 1976 to submit written data, views, or arguments regarding the proposal. No objections have been received and the proposed amended standards are hereby adopted without change pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; U.S.C. 1621-1627), and are set forth below.

This amendment is effective on March 25, 1976.

Dated: March 12, 1976.

DONALD E. WILKINSON,
Administrator.

§ 51.309 Calculation of percentages.

(a) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

¹ Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

(b) When the minimum diameter or minimum and maximum diameters are marked on a container or when the apples are jumbled in a container or in bulk, percentages shall be calculated on the basis of weight or an equivalent basis.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624).

[FR Doc. 76-7699 Filed 3-17-76; 8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 372]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 19-25, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.672 Navel Orange Regulation 372.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel

Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is still unstable with prices varying considerably.

Prices f.o.b. averaged \$3.12 a carton on a reported sales volume of 1,078 cartons last week, compared with an average f.o.b. price of \$3.20 per carton and sales of 1,101 cartons a week earlier.

Track and rolling supplies at 443 cars were down 42 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate

the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 16, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 19, 1976, through March 25, 1976, are hereby fixed as follows:

- (i) District 1: 1,148,000 cartons;
- (ii) District 2: 252,000 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 17, 1976.

CHARLES R. BRADER,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[FR Doc. 76-8010 Filed 3-17-76; 11:41 am]

proposed rules

This section of the **FEDERAL REGISTER** contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3100]

OIL AND GAS LEASING

Changes in the Filing Fee for an Instrument of Transfer and in Rental Rate on Non-competitive Leases

The Department of the Interior is considering amending 43 CFR Part 3100 to increase the rental rate of non-competitive oil and gas leases. This increase from \$.50 an acre to \$1.00 an acre will bring the rental charged by the Department of the Interior into line with that charged by many of the States and the lease rentals generally obtaining on private lands. The amendment will also give the Federal Government a more equitable return for oil and gas leases. Rentals for non-competitive oil and gas leases have remained at \$.50 an acre since 1960.

The increase in the fee paid at the time of filing of an application for approval of an instrument of transfer is needed to cover the administrative costs incurred by the Bureau of Land Management in connection with its processing and approval of such documents. This proposed amendment is published pursuant to policies expressed in the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended and supplemented (30 U.S.C. 181-287), and in Title V of the Independent Offices Act of 1952 (31 U.S.C. 483a).

In accordance with the Department's policy on public participation in rule-making (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington D.C., 20240 on or before April 19, 1976.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection at the foregoing address during regular working hours (7:45 a.m.-4:15 p.m.).

It is hereby determined that the publication of the proposed rulemaking with respect to 43 CFR Part 3100 is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

It is hereby certified that the economic and inflationary effects of this proposed rulemaking have been carefully evaluated in accordance with Executive Order 11821.

It is therefore proposed to amend 43 CFR part 3100 in the following manner:

1. Section 3103.3-2 paragraph (a) is revised to read as follows:

§ 3103.3-2 Advance rental payments.

Rentals shall be payable in advance at the following rates:

(a) On noncompetitive leases issued on and after July 1, 1976, under section 17 of the act for lands which on the day on which the rental falls due lie wholly outside of the known geological structure of a producing oil or gas field, or on which on the day on which the rental falls due the thirty days' notice period under paragraph (b)(1) of this section has not yet expired, an annual rental of \$1.00 per acre or fraction thereof for each lease each year.

Section 3106.2-1 is revised to read as follows:

§ 3106.2-1 Where filed and filing fee.

An application for approval of any instrument of transfer of a lease or interest therein or a filing of any such instrument under § 3106.4 must be filed in the proper office and accompanied by a fee of \$25. An application not accompanied by payment of such a fee will not be accepted for filing by the authorizing officer. Such fee will not be returned even though the application may later be withdrawn or rejected in whole or in part.

JACK O. HORTON,

Assistant Secretary of the Interior.

MARCH 11, 1976.

[FR Doc.76-7772 Filed 3-17-76; 8:45 am]

Fish and Wildlife Service

[50 CFR Part 29]

RIGHTS-OF-WAY GENERAL REGULATIONS

Proposed Miscellaneous Amendments

The primary purpose of the proposed amendments is to incorporate requirements of the National Wildlife Refuge System Administration Act Amendments of 1974 (Pub. L. 93-509; 88 Stat. 1603) and of section 28 of the Mineral Leasing Act of 1920 as amended by Pub. L. 93-153 (87 Stat. 576). Other clarifying amendments are included as appropriate.

The definition in § 29.21(h) is proposed to be revised to include the word consistent as referenced in section 28 (b)(1) of the Mineral Leasing Act of 1920, as amended by Pub. L. 93-153.

The regulations in § 29.21-1 are proposed to be amended to include a citation of section 28 of the Mineral Leasing

Act of 1920 (30 U.S.C. 185), as amended by Pub. L. 93-153 and to reference an added § 29.21-9 concerning special requirements for rights-of-way for pipelines for the transmission of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom.

The regulations in § 29.21-2 are proposed to be amended to require a service application fee of \$100 which replaces the \$10 fee in the current regulation. The application fee may be increased should the United States cost prove to be greater than \$100. Also part of the fee may be returned should the United States cost prove to be less than \$100. This fee is increased to permit the United States to recover its costs in the processing of right-of-way applications. The service for reviewing and processing such right-of-way requests would not be incurred in the absence of such applications. Such applicants are recipients of services above and beyond those afforded to the public at large and it is only reasonable that the United States be compensated for these costs. A new paragraph (3) is added to require reimbursement of the United States cost in monitoring the construction, operation, maintenance, and termination of facilities on a right-of-way or permit area. The authorities for reimbursement of these costs are found in Title 5 of the Independent Offices Appropriation Act of 1952 (31 U.S.C. section 483a) and section 28 of the Mineral Leasing Act of 1920, as amended. A new paragraph (4) is added to require submission of environmental information so as to enable the Service to prepare an environmental assessment and/or statement in accordance with the National Environmental Policy Act of 1969.

Section 29.21-3 of the regulations is proposed to be amended to include limitations that apply to pipeline rights-of-way for oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, imposed under Section 28 of the Mineral Leasing Act 1920, as amended.

Section 29.21-4 of the regulations is proposed to be amended to provide clarifying language.

The regulation in § 29.21-6 is to be revised to require a \$25 service fee for the transfer or assignment of a right-of-way. The present regulation does not require the payment of a service fee.

The regulation in § 29.21-7 is to be revised to require payment of fair market value or fair market rental for rights-of-way. Provision is made for Federal, State, or local agencies exempted by provisions of Federal law to provide other forms of compensation as appropriate. A

new paragraph (c) is added to permit mitigation measures within the right-of-way or adjacent project lands to offset damages to the unit of the National Wildlife Refuge System as may be required to bring the proposed use into compatibility with the use for which the unit of the system was established.

Section 29.21-8 of the proposed regulations is to be revised to include conditions formerly incorporated by reference.

Section 29.21-9 of the proposed regulation is new. It details special requirements for rights-of-way for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, as required by section 28 of the Mineral Leasing Act of 1920, as amended by Pub. L. 93-153.

Section 29.22 of the regulations is to be revised to provide clarifying language. Sections 28.22-1 through 29.22-4 are added to detail hearing procedures.

The Fish and Wildlife Service has under preparation an environmental assessment concerning this matter.

In accordance with the Department's policy on public participation in rule making, interested parties may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Fish and Wildlife Service, Washington, D.C. 20240, on or before April 19, 1976.

Part 29, Subpart B, Chapter I is amended as follows:

Section 29.21(h) is revised to read as follows:

§ 29.21 Definitions.

(h) "Compatible" means that the requested right-of-way or use will not interfere with or detract from the purposes for which units of the National Wildlife Refuge System are established. The term "consistent" as referenced in section 28(b)(1) of the Mineral Leasing Act of 1920, as amended by Pub. L. 93-153, shall be deemed to have the same meaning as "compatible" as defined herein.

Section 29.21-1 is revised to read as follows:

§ 29.21-1 Purpose and scope.

(a) National Wildlife Refuge System lands. Applications for all forms of rights-of-way on or over such lands shall be submitted either under authority of Pub. L. 89-669 (80 Stat. 926; 16 U.S.C. 668dd), as amended, or for oil and gas pipelines under section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449; 30 U.S.C. 185) as amended by Pub. L. 93-153, following application procedures set out in § 29.21-2. No right-of-way will be approved unless it is determined by the Regional Director to be compatible. See § 29.21-8 for additional requirements applicable to rights-of-way for electric power transmission lines and § 29.21-9 for additional requirements applicable to rights-of-way for pipelines for the transportation of oil, natural gas,

synthetic liquid or gaseous fuels, or any refined product produced therefrom.

(c) Other lands outside the National Wildlife Refuge System. Rights-of-way on or over other lands will be granted in accordance with controlling authorities cited in 43 CFR Part 2800, or for oil and gas pipelines under section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449; 30 U.S.C. 185) as amended by Pub. L. 93-153. See § 29.21-8 for additional requirements applicable to rights-of-way for electric power transmission lines and § 29.21-9 for additional requirements applicable to rights-of-way for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any other refined product produced therefrom. Applications will be submitted in accordance with procedures set out in § 29.21-2.

§ 29.21-2 Application procedures.

(a) (1) * * *

(2) All applications filed pursuant to this subpart in the name of individuals, corporations or associations must be accompanied by an application service fee of \$100. The service fee will not be returnable. In cases where the actual costs including the costs of processing, appraisals, and environmental assessments prove to be greater than \$100, the Regional Director may impose an additional service charge to cover actual costs. In cases where actual costs are less than \$100, the Regional Director may refund part of the application fee. No application service fee will be required of States, or agencies or instrumentalities thereof except as to rights-of-way under section 28 of the Mineral Leasing Act of 1920, as amended by Pub. L. 93-153 (87 Stat. 576), or of Federal Government agencies.

(3) By accepting an easement or permit under this subpart, the holder of an easement or permit agrees to reimburse the United States for costs incurred in monitoring the construction, operation, maintenance, and termination of facilities on the easement or permit area. The Regional Director will compute such costs and bill the holder of the easement or permit on a timely basis. However, such costs should not be allowed to accumulate over an extended period. No reimbursement of monitoring costs will be required of States, or agencies or instrumentalities thereof except as to rights-of-way under section 28 of the Mineral Leasing Act of 1920, as amended by Pub. L. 93-153 (87 Stat. 576), or of Federal Government agencies.

(4) All applications filed pursuant to this subpart must include a detailed environmental analysis which shall include information concerning the impact of the proposed use on the environment including the impact on air and water quality, scenic and esthetic features, historic and archeological features, wildlife, fish and marine life, etc. The analysis shall include sufficient data so as to enable the Service to prepare an environmental assessment and/or statement

in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190, 83 Stat. 852).

Section 29.21-3 is amended to read as follows:

§ 29.21-3 Nature of interest granted.

(a) Where the land administered by the Secretary is owned in fee by the United States and the proposed use is compatible with the objectives of the area, a permit or easement may be approved and granted by the Regional Director. Generally an easement or permit will be issued for a term of 50 years or so long as it is used for the purpose granted, or for a lesser term when considered appropriate. For rights-of-way granted under authority of section 28 of the Mineral Leasing Act of 1920, as amended, for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom the grant may be for a term not to exceed 30 years and the right-of-way may not, except in unusual circumstances, exceed 50 feet, plus the area required by the pipeline in width. However, a temporary permit may be granted for additional land needed during construction, operation, maintenance, or termination of the pipeline, or to protect the natural environment or public safety.

Section 29.21-4 is amended to read as follows:

§ 29.21-4 Terms and conditions.

(b) An applicant, by accepting an easement or permit, agrees to such terms and conditions as may be prescribed by the Regional Director. Such terms and conditions shall include the following, unless waived in part by the Regional Director, and may include additional special stipulations at his discretion.

(1) To comply with State and Federal laws applicable to the project within which the easement or permit is granted, and to the lands which are included in the easement or permit area, and lawful existing regulations thereunder.

(2) To clear and keep clear the lands within the easement or permit area to the extent and in the manner directed by the project manager in charge; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project in such a manner as to decrease the fire hazard and also in accordance with such instructions as the project manager may specify.

(3) * * *

(4) To take such soil and resource conservation and protection measures, including weed control on the land covered by the easement or permit as the project manager in charge may request.

(5) To do everything reasonably within his power, both independently and on request of any duly authorized repre-

representative of the United States, to prevent and suppress fires on or near lands to be occupied under the easement or permit, including making available such construction and maintenance forces as may be reasonably obtainable for the suppression of such fires.

(6) To rebuild and repair such roads, fences, structures, and trails as may be destroyed or injured by construction work and, upon request by the Regional Director, to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the easement or permit.

(7) To pay the United States the full value for all damages to the lands or other property of the United States caused by him or his employees, contractors, or employees of the contractors, and to indemnify the United States against any liability for damages to life, person or property arising from the occupancy or use of the lands under the easement or permit, except where the easement or permit is granted hereunder to a State or other governmental agency which has no legal power to assume such a liability with respect to damages caused by it to lands or property, such agency in lieu thereof agrees to repair all such damages. Where the easement or permit involves lands which are under the exclusive jurisdiction of the United States, the holder or his employees, contractors, or employees of the contractors, shall be strictly liable to third parties for injuries incurred in connection with the easement or permit area except for damage or injury resulting from (A) an act of war, (B) negligence of the United States.

(8) That all or any part of the easement or permit granted may be suspended or terminated by the Regional Director for failure to comply with any or all terms and conditions of the grant, or for abandonment. A rebuttable presumption of abandonment is raised by deliberate failure of the holder to use for any continuous 2-year period the easement or permit for the purposes for which it was granted or renewed. In the event of non-compliance or abandonment the Regional Director will notify in writing the holder of the easement or permit of his intention to suspend or terminate such grant in 60 days from the date of the notice, stating the reasons therefor, unless prior to that time the holder completes such corrective actions as are specified in the notice. The Regional Director may grant an extension of time within which to complete corrective actions when, in his judgment, extenuating circumstances such as adverse weather conditions, disturbance to wildlife during breeding periods or periods of peak concentration, or other compelling reasons warrant.

Should the holder disagree with the proposed action of the Regional Director he may request within the 60 day period or extension thereof an administrative hearing in accordance with § 29.22 of this subpart. If corrective actions are not

taken or an administrative hearing not requested in accordance with § 29.22, the Regional Director will notify the holder in writing of his final decision to suspend or terminate the easement or permit. This decision will constitute the final decision of the Department.

(10) To restore the land to its original condition to the entire satisfaction of the Regional Director so far as it is reasonably possible to do so upon revocation and/or termination of the easement or permit, unless this requirement is waived in writing by the Regional Director. Termination also includes permits or easements that terminate under the terms of the grant.

(11) * * *

(12) * * *

(13) That the grant of the easement or permit shall be subject to the express condition that the exercise thereof will not unduly interfere with the management, administration, or disposal by the United States of the land affected thereby, and that the applicant agrees and consents to the occupancy and use by the United States, its grantees, permittees, or lessees of any part of the easement or permit area not actually occupied for the purpose of the granted rights or the full and safe utilization thereof. The holder of an easement or permit also agrees that authorized representatives of the United States shall have the right of access to the easement or permit area for the purpose of making inspections and monitoring the construction, operation and maintenance of facilities.

(14) That the easement or permit herein granted shall be subject to the express covenant that any facility constructed thereon will be modified or adapted if such is found by the Regional Director, to be necessary, without liability or expense to the United States, so that such facility will not conflict with the use and occupancy of the land for any authorized works which may hereafter be constructed thereon under the authority of the United States.

(15) That the easement or permit herein granted shall be for the specific use described and may not be construed to include the further right to authorize any other use within the easement or permit area unless approved in writing by the Regional Director.

Section 29.21-6 is amended to read as follows:

§ 29.21-6 Disposal, transfer or termination of interest.

(b) Transfer of easement or permit. Any proposed transfer, by assignment, lease, operating agreement, or otherwise, of an easement or permit must be filed in triplicate with the Regional Director and must be supported by a stipulation that the transferee agrees to comply with and be bound by the terms and conditions of the original grant. A \$25 non-returnable service fee must accompany

the proposal. No transfer will be recognized unless and until approved in writing by the Regional Director.

Section 29.21-7 is revised to read as follows:

§ 29.21-7 Payment required.

(a) Payment for use and occupancy of lands under the regulations of this subpart will be required and will be for fair market value as determined by appraisal by the Regional Director. At the discretion of the Regional Director the payment may be a lump sum payment or an annual fair market rental payment, to be made in advance. If any Federal, State, or local agency is exempted from such payment by any other provision of Federal law, such agency shall otherwise compensate the Service by any other means agreeable to the Regional Director, including but not limited to, making other land available or the loan of equipment or personnel; except that any such compensation shall relate to, and be consistent with the objectives of the National Wildlife Refuge System, however, the Regional Director may waive such requirement for compensation if he finds such requirement impracticable or unnecessary.

(b) When annual rental payments are used, such rates shall be reviewed by the Regional Director at any time not less than 5 years after the grant of the permit, right-of-way, or easement or the last revision of charges thereunder. The Regional Director will furnish a notice in writing to the holder of an easement or permit of intent to impose new charges to reflect fair market value commencing with the ensuing charge year. The revised charges will be effective unless the holder requests a hearing in accordance with § 29.22 within 45 days from the date of the notice.

(c) In instances where damage to a unit of the National Wildlife Refuge System will result the Regional Director may require mitigation measures, as determined by him, within the easement or permit area or on adjacent Service land or replacement land to make the proposed use compatible with the objectives for which the unit of the System was established. Such mitigation measures or replacement land shall be in addition to the payment of fair market value.

Section 29.21-8 is revised to read as follows:

§ 29.21-8 Electric power transmission line rights-of-way.

By accepting a right-of-way for a power transmission line, the applicant thereby agrees and consents to comply with and be bound by the following terms and conditions, excepting those which the Secretary may waive in a particular case, in addition to those specified in § 29.21-4(b).

(a) To protect in a workmanlike manner, at crossings and at places in proximity to his transmission lines on the right-of-way authorized, in accordance with the rules prescribed in the National Electric Safety Code, all Government and

other telephone, telegraph, and power transmission lines from contact and all highways and railroads from obstruction and to maintain his transmission lines in such manner as not to menace life or property.

(b) Neither the privilege nor the right to occupy or use the lands for the purpose authorized shall relieve him of any legal liability for causing inductive or conductive interference between any project transmission line or other project works constructed, operated, or maintained by him on the servient lands, and any radio installation, telephone line, or other communication facilities now or hereafter constructed and operated by the United States or any agency thereof.

(c) Each application for authority to survey, locate, commence construction work and maintain a facility for the generation of electric power and energy or for the transmission or distribution of electric power and energy of 33 kilovolts or higher under this subpart shall be referred by the Regional Director to the Secretary of the Interior to determine the relationship of the proposed facility to the power-marketing program of the United States. Where the proposed facility will not conflict with the program of the United States the Regional Director, upon notification to that effect, will proceed to act upon the application. In the case of necessary changes respecting the proposed location, construction, or utilization of the facility in order to eliminate conflicts with the power-marketing program of the United States, the Regional Director shall obtain from the applicant written consent to or compliance with such requirements before taking further action on the application: *Provided, however,* That if increased cost to the applicant will result from changes to eliminate conflicts with the power-marketing program of the United States, and it is determined that a right-of-way should be granted, such changes will be required upon equitable contract arrangements covering costs and other appropriate factors.

(d) The applicant shall make provision, or bear the reasonable cost (as may be determined by the Secretary) of making provision for avoiding inductive or conductive interference between any transmission facility or other works constructed, operated, or maintained by it on the right-of-way authorized under the grant and any radio installation, telephone line, or other communication facilities existing when the right-of-way is authorized or any such installation, line or facility thereafter constructed or operated by the United States or any agency thereof. This provision shall not relieve the applicant from any responsibility or requirement which may be imposed by other lawful authority for avoiding or eliminating inductive or conductive interference.

(e) An applicant for a right-of-way for a transmission facility having a voltage of 33 kilovolts or more must, in addition to the requirements of § 29.21-2, execute and file with its application a

stipulation agreeing to accept the right-of-way grant subject to the following conditions:

(1) In the event the United States, pursuant to law, acquires the applicant's transmission or other facilities constructed on or across such right-of-way the price to be paid by the United States shall not include or be affected by any value of the right-of-way granted to the applicant under authority of the regulations of this part.

(2) The Department of the Interior shall be allowed to utilize for the transmission of electric power and energy any surplus capacity of the transmission facility in excess of the capacity needed by the holder of the grant (subsequently referred to in this paragraph as "holder") for the transmission of electric power and energy in connection with the holder's operations, or to increase the capacity of the transmission facility at the Department's expense and to utilize the increased capacity for the transmission of electric power and energy. Utilization by the Department of surplus or increased capacity shall be subject to the following terms and conditions:

(i) When the Department desires to utilize surplus capacity thought to exist in the transmission facility, notification will be given to the holder and the holder shall furnish to the Department within 30 days a certificate stating whether the transmission facility has any surplus capacity not needed by the holder for the transmission of electric power and energy in connection with the holder's operations and, if so, the amount of such surplus capacity.

(ii) Where the certificate indicates that there is no surplus capacity or that the surplus capacity is less than that required by the Department the authorized officer may call upon the holder to furnish additional information upon which its certification is based. Upon receipt of such additional information the authorized officer shall determine, as a matter of fact, if surplus capacity is available and, if so, the amount of such surplus capacity.

(iii) In order to utilize any surplus capacity determined to be available, or any increased capacity provided by the Department at its own expense, the Department may interconnect its transmission facilities with the holder's transmission facility in a manner conforming to the approved standards of practice for the interconnection of transmission circuits.

(iv) The expense of interconnection will be borne by the Department, and the Department will at all times provide and maintain adequate protective equipment to insure the normal and efficient operation of the holder's transmission facilities.

(v) After any interconnection is completed, the holder shall operate and maintain its transmission facilities in good condition, and, except in emergencies, shall maintain in a closed position all connections under the holder's control necessary to the transmission of the

Department's power and energy over the holder's transmission facilities. The parties may by mutual consent open any switch where necessary or desirable for maintenance, repair or construction.

(vi) The transmission of electric power and energy by the Department over the holder's transmission facilities will be effected in such manner, as will not interfere unreasonably with the holder's use of the transmission facilities in accordance with the holder's normal operating standards, except that the Department shall have the exclusive right to utilize any increased capacity of the transmission facility which has been provided at the Department's expense.

(vii) The holder will not be obligated to allow the transmission of electric power and energy by the Department to any person receiving service from the holder on the data of the filing of the application for a grant, other than statutory preference customers including agencies of the Federal Government.

(viii) The Department will pay to the holder an equitable share of the total monthly cost of that part of the holder's transmission facilities utilized by the Department for the transmission of electric power and energy, the payment to be an amount in dollars representing the same proportion of the total monthly cost of such part of the transmission facilities as the maximum amount in kilowatts of the power transmitted on a scheduled basis by the Department over the holder's transmission facilities bears to the total capacity in kilowatts of that portion of the transmission facilities. The total monthly cost will be determined in accordance with the system of accounts prescribed by the Federal Power Commission, exclusive of any investment by the Department in the part of the transmission facilities utilized by the Department.

(ix) If, at any time subsequent to a certification by the holder or determination by the authorized officer that surplus capacity is available for utilization by the Department, the holder needs for the transmission of electric power and energy in connection with its operations the whole or any part of the capacity of the transmission facility theretofore certified or determined as being surplus to its needs, the holder may request the authorized officer to modify or revoke the previous certification or determination by making application to the authorized officer not later than 36 months in advance of the holder's needs. Any modification or revocation of the certification or determination shall not affect the right of the Department to utilize facilities provided at its expense or available under a contract entered into by reason of the equitable contract arrangements provided for in this section.

(x) If the Department and the holder disagree as to the existence or amount of surplus capacity in carrying out the terms and conditions of this paragraph, the disagreement shall be decided by a board of three persons composed as follows: The holder and the authorized of-

ficer shall each appoint a member of the board and the two members shall appoint a third member. If the members appointed by the holder and the authorized officer are unable to agree on the designation of the third member, he shall be designated by the Chief Judge of the United States Court of Appeals of the circuit in which the major share of the facilities involved is located. The board shall determine the issue and its determination, by majority vote, shall be binding on the Department and the holder.

(xi) As used in this section, the term "transmission facility" includes (a) all types of facilities for the transmission of electric power and energy and facilities for the interconnection of such facilities, and (b) the entire transmission line and associated facilities, from substation or interconnection point to substation or interconnection point, of which the segment crossing the lands of the United States forms a part.

(xii) The terms and conditions prescribed in this paragraph may be modified at any time by means of a supplemental agreement negotiated between the holder and the Secretary of the Interior or his designee.

Section 29.21-9 is added as follows:

§ 29.21-9 Rights-of-way for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom.

(a) Right-of-way grants under this section will be subject to special requirements of section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449; 30 U.S.C. 185), as amended.

(1) Pipeline safety. Rights-of-way or permits granted under this section will include requirements that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline. An applicant must agree to design, construct, and operate all proposed facilities in accordance with the provisions of Parts 192 and/or 195 of Title 49 of the Code of Federal Regulations and in accordance with the Occupational Safety and Health Act of 1970, Public Law 91-596, including any amendments thereto.

(2) Environmental protection. An application for a right-of-way must contain environmental information required by § 29.21-2(a)(4) of this subpart. If the Regional Director determines that a proposed project will have a significant effect on the environment there must also be furnished a plan of construction, operation, and rehabilitation of the proposed facilities. The Regional Director will impose such stipulations as may be required to assure: (A) Restoration, revegetation, and curtailment of erosion of the surface; (B) That activities in connection with the right-of-way or permit will not violate applicable air and water quality standards nor related facility siting standards established by or pursuant to law; (C) Control or prevention of damage to the environment including damage to fish and wildlife

habitat, public or private property, and public health and safety; and (D) Protection of the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes.

(b) Disclosure. If the applicant is a partnership, corporation, association, or other business entity it must disclose the identity of the participants in the entity. Such disclosure shall include where applicable (A) the name and address of each partner, (B) the name and address of each shareholder owning 3 percentum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote, and (C) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

(c) Technical and financial capability. The Regional Director may grant or renew a right-of-way or permit under this section only when he is satisfied that the applicant has the technical and financial capability to construct, operate, maintain, and terminate the facility. At the discretion of the Regional Director a financial statement may be required.

(d) Reimbursement of costs. In accordance with § 29.21-2(a)(3) of this subpart, the holder of a right-of-way or permit must reimburse the Service for the cost so incurred in monitoring the construction, operation, maintenance, and termination of any pipeline or related facilities as determined by the Regional Director.

(e) Public hearing. The Regional Director shall give notice to Federal, State, and local government agencies and the public and afford them the opportunity to comment on right-of-way applications under this section. Generally a notice will be published in the FEDERAL REGISTER and a public hearing may be held where appropriate.

(f) Bonding. Where appropriate the Regional Director may require the holder of a right-of-way or permit to furnish a bond, or other security satisfactory to him, to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or permit or by any rule or regulation.

(g) Suspension of right-of-way. If the Regional Director determines that an immediate temporary suspension of activities within a right-of-way or permit area is necessary to protect public health and safety or the environment, he may abate such activities prior to a hearing as provided by §§ 29.21-4(b)(9) and 29.22.

(h) Joint use of rights-of-way. Each right-of-way or permit shall reserve to the Regional Director the right to grant

additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way or permit areas granted under this section.

(i) Common carriers. (1) Pipelines and related facilities authorized under this section shall be constructed, operated, and maintained as common carriers.

(i) (A) The owners or operators of pipelines subject to this subpart shall accept, convey, transport, or purchase without discrimination all oil or gas delivered to the pipeline without regard to whether such oil or gas was produced on Federal or non-Federal lands. (B) In the case of oil or gas produced from Federal lands or from the resources on the Federal lands in the vicinity of the pipeline, the Secretary may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine the proportionate amounts to be accepted, conveyed, transported or purchased.

(ii) (A) The common carrier provisions of this section shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality. (B) Where natural gas not subject to State regulatory or conservation laws governing its purchase by pipelines is offered for sale, each such pipeline shall purchase, without discrimination, any such natural gas produced in the vicinity of the pipeline.

(iii) The Regional Director shall require, prior to granting or renewing a right-of-way, that the applicant submit and disclose all plans, contracts, agreements, or other information or material which he deems necessary to determine whether a right-of-way shall be granted or renewed and the terms and conditions which should be included in the right-of-way. Such information may include, but is not limited to: (A) Conditions for, and agreements among owners or operators, regarding the addition of pumping facilities, looping, or otherwise increasing the pipeline or terminal's throughput capacity in response to actual or anticipated increases in demand; (B) Conditions for adding or abandoning intake, offtake, or storage points or facilities; and (C) Minimum shipment or purchase tenders.

(j) Limitations on export. Any domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, except such crude oil which is either exchanged in similar quantity for convenience or increased efficiency or transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitation and licensing requirements of the Export Administration Act

of 1969 (Act of December 30, 1969; 83 Stat. 841) and, in addition, before any crude oil subject to this section may be exported under the limitations and licensing requirements and penalty and enforcement provisions of the Export Administration Act of 1969 the President must make and publish an express finding that such exports will not diminish the total quantity or quality of petroleum available to the United States, and are in the national interest and are in accord with the provisions of the Export Administration Act of 1969: *Provided*, That the President shall submit reports to the Congress containing findings made under this section, and after the date of receipt of such report Congress shall have a period of sixty calendar days, thirty days of which Congress such have been in session, to consider whether exports under the terms of this section are in the national interest. If the Congress within this time period passes a concurrent resolution of disapproval stating disagreement with the President's finding concerning the national interest, further exports made pursuant to the aforementioned Presidential findings shall cease.

(k) State standards. The Regional Director shall take into consideration and to the extent practical comply with State standards for right-of-way construction, operation, and maintenance.

(l) Congressional notification. The Secretary shall notify the House and Senate Committees on Interior and Insular Affairs promptly upon receipt of an application for a right-of-way for a pipeline 24 inches or more in diameter, and no right-of-way for such a pipeline shall be granted until 60 days (not including days on which the House or Senate has adjourned for more than 3 days) after a notice of intention to grant the right-of-way together with the Secretary's detailed findings as to terms and conditions he proposes to impose, has been submitted to the committees, unless each committee by resolution waives the waiting period.

Section 29.22 is revised to read as follows:

§ 29.22 Request for hearing.

Except where a right to request a hearing is deemed to have been waived as provided in § 29.21-4(b)(9), the holder of an easement or permit may file a written request for a hearing with the Director, Office of Hearings and Appeals, United States Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. The request should state the holders preference as to the place and date for a hearing. The request must enclose a copy of the proposed decision of the Regional Director. A copy of the request for hearing must be served upon the Regional Director personally or by registered or certified mail, return receipt requested, at the address specified in the notice.

Section 29.22-1 is added as follows:

§ 29.22-1 Commencement of hearing procedures.

Proceedings are commenced upon the timely filing with the Office of Hearings and Appeals of a request for a hearing. Upon receipt of a request for a hearing, the Office of Hearings and Appeals will assign an administrative law judge to the case. Notice of assignment will be given promptly to the parties, and thereafter, all pleadings, papers, and other documents in the proceeding shall be filed directly with the administrative law judge, with copies served on the opposing party.

Section 29.22-2 is added as follows:

§ 29.22-2 Appearance and practice.

(a) Subject too the provisions of 43 CFR 1.3, the holder may appear in person, by representative, or by counsel, and may participate fully in these proceedings.

(b) Department counsel designated by the Solicitor of the Department shall represent the Regional Director in these proceedings. Upon notice of the Regional Director of the assignment of an administrative law judge to the case, said counsel shall enter his appearance on behalf of the Regional Director and shall file all petitions and correspondence exchanged by the Regional Director and the holder which shall become a part of the hearing record. Thereinafter, service upon the Regional Director in these proceedings shall be made to his counsel.

Section 29.22-3 is added as follows:

§ 29.22-3 Hearings.

(a) The administrative law judge shall have all powers accorded by law and necessary to preside over the parties and the proceedings and to make decisions in accordance with 5 U.S.C. sections 554-557. Failure to appear at the time set for hearing shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the record made at the hearing. Copies of the transcript may be inspected or copied.

(b) The transcript of testimony, the exhibits, and all papers, documents, and requests filed in the proceedings, shall constitute the record for decision. The administrative law judge will render a recommended written decision upon the record, which shall set forth his findings of fact and conclusion of law, and the reasons and basis therefor. The recommended decision shall be served upon the Director of the Fish and Wildlife Service and all parties to the proceeding.

Section 29.22-4 is added as follows:

§ 29.22-4 Final administrative action.

All parties shall have 20 days in which to file exceptions to the recommended decision of the administrative law judge with the Director, Fish and Wildlife Service, Washington, D.C. 20240. After

due consideration of the recommended decision and exceptions, if any, the Director shall make a final decision. This decision may affirm, modify, or set aside, in whole or in part, the recommended decision of the administrative law judge. A copy of the final decision shall be sent to the holder of the easement or permit by registered or certified mail, return receipt requested. Such decision shall constitute the final administrative decision of the Secretary.

Dated: March 10, 1976.

LYNN A. GREENWALT,
Director, U.S. Fish and
Wildlife Service.

[FR Doc.76-7674 Filed 3-17-76;8:45 am]

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-904]

**Proposed Flood Elevation Determinations
for the Township of Berkeley Heights,
New Jersey**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Township of Berkeley Heights, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township of Berkeley Heights must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, 29 Park Avenue, Berkeley Heights, New Jersey 07922.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Marie Ann Kisseberth, 29 Park Avenue, Berkeley Heights, New Jersey 07922. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or June 16, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

PROPOSED RULES

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet)	
			Right	Left
Passaic River	Erie-Lackawana RR	214.0	64	(1)
	Snyder Ave	212.9	240	(1)
Robbins Ave. Brook	Lawrence St	215.8	240	
	Robbins Ave	214.1	112	160
	Springfield Ave	212.9	140	200
Snyder Ave. Brook	Liberty Ave	201.5	48	500
	Hamilton Ave	233.2	72	40
	Industrial Rd	220.6	240	420
	Lone Pine Dr	218.1	540	(2)
	Snyder Ave	217.2	280	240
	Springfield Ave	215.5	560	472
Branch Green Brook	Berkshire Dr	418.2	52	400
	Orion Rd	400.5	80	80
	Sutton Dr	382.5	40	160
	Hampton Dr	375.7	140	68
Green Brook	Apple Tree Rd	397.0	(1)	32
	Plainfield Ave	377.2	(1)	120
	Bonnie Burn Rd	254.5	(1)	72
	Valley Rd	208.2	(1)	252
	Diamond Hill Rd	198.8	(1)	72
Branch Chaucer Dr.	Park Ave	218.0	80	1,840
Brook	Chaucer Dr	219.0	1,720	(1)
Chaucer Dr. Brook	Mountain Ave	243.3	68	24
	Windsor Ave	220.5	48	240
	Park Ave	217.5	240	1,600
Forest Ave. Brook	do	214.4	280	320
Blue Brook	Valley Rd	212.1	(1)	256
Branch Blue Brook	do	213.7	88	(2)

¹ Flood Boundary outside corporate limits.

² Feature does not cross boundary of 100-year limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (38 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: February 23, 1976.

HOWARD B. CLARK,

Acting Federal

Insurance Administrator.

[FR Doc.76-7632 Filed 3-17-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-903]

Proposed Flood Elevation Determination for the Borough of Madison, Morris County, New Jersey

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the

Borough of Madison, Morris County, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Clerk's office, Hartley Dodge Memorial, Kings Road, Madison.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Arnold Mathies, Borough Administrator, Hartley Dodge Memorial, Borough of Madison, New Jersey 07940. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or June 16, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-year flood boundary facing downstream	
			Left	Right
Black Brook	Corporate limits	200	030	180
	Chateau Thierry Ave.	200	580	150
	Argonne Ave.	203	230	230
	Belleau Ave.	209	100	215
	North St.	220	130	260
	South St.	224	220	120
	Loveland St.	229	140	210
	Anthony Dr.	236	280	210
Spring Garden Brook	Flooding source outside corporate limits	183	1420	
	Corporate limits	185	600	100
	Trall Pl.	191	105	25
	Dean St.	197	140	160
	Main St.	201	250	100
	Cross St.	202	270	100
	Corporate limits	193	390	90
Unnamed tributary to Spring Garden Brook	Delbarton Dr (projection)	194	390	85
	Culvert exit	201	100	105

¹ Net from corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 40001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: February 23, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76-7633 Filed 3-17-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-901]

**Proposed Flood Elevation Determinations
for the Town of Canton, North Carolina**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed

determinations of flood elevations for the Town of Canton, North Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Canton, North Carolina must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Canton, North Carolina 28716.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor F. E. Shull, Town Hall, Canton, North Carolina 28716. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or June 16, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet)	
			Right	Left
Pigeon River	West Park St.	2589	800	60
	Main St.	2590	110	190
	Pigeon St.	2593	410	210

[24 CFR Part 1917]

[Docket No. FI-902]

**Proposed Flood Elevation Determinations
for the City of Washington, North Carolina**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128,

and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Washington, North Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Washington must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Washington, North Carolina 27889.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor J. Max Roebuck, P.O. Box 850, Washington, North Carolina 27889. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or June 16, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding and location:	Elevation (feet above mean sea level)
Pamlico River:	
Hackney Ave.:	
From shoreline to 50 ft west of West 2d St.	10
From 80 ft east of West 3d St. 80 ft west of Taylor St.	10
From Harrington St. to 200 ft west of Carolina Ave.	10
Wilson St.:	
From 120 ft east of West 3d St. to 140 ft east of West 4th St.	10
Pierce St.:	
From shore to 80 ft west of West Main St.	10
From 160 ft east of west 2d St. to West 7th St.	10
From 180 ft west of 13th St. to 330 ft east of West 13th St.	10
Respass St.:	
From shore to 110 ft east of West 7th St.	10
From 310 ft west of 9th St. to 510 ft east of West 9th St.	10
From 210 ft west of West 13th St. to West 15th St.	10
Boner St.:	
From shore to East Main St.	10
From 130 ft east of East 2d St. to 150 ft west of East 5th St.	10
From 130 ft east of East 5th St. to 30 ft east of East 7th St.	10
From 120 ft east of East 7th St. to 200 ft east of East 14th St.	10
Hudnell St.:	
From shore to 120 ft west of East 6th St.	10
From 60 ft east of East 7th St. to 130 ft east of Pennsylvania Ave.	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: February 19, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76-7634 Filed 3-17-76;8:45 am]

of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: February 23, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76-7635 Filed 3-17-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-900]

**Proposed Flood Elevation Determination
for the Borough of Milesburg, Centre
County, Pennsylvania**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for

the Borough of Milesburg, Centre County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Hall, Milesburg, Pennsylvania 16853.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Lester Band, Secretary of the Board of Supervisors, P.O. Box 518, Milesburg, Pennsylvania 16853. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or June 16, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-year flood boundary facing downstream	
			Left	Right
Bald Eagle	Catherine St. (extended)	693	(1)	580
	Grove St. (extended)	700	700	(1)
Spring Creek	Commercial St.	698	1,200	30
	Smith St. (extended)	700	1,000	700

¹ Corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: February 23, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76-7636 Filed 3-17-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-905]

**Proposed Flood Elevation Determination
for the Borough of Northumberland,
Northumberland County, Pennsylvania**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed

determinations of flood elevations for the Borough of Northumberland, Northumberland County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Council Room, Municipal Building, 221 2nd Street.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Claire Lenig, Borough Supervisor, 221 2nd Street, Northumberland, Pennsylvania 17857. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or June 16, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from corporate limits 100-year flood boundary facing down- stream
Susquehanna River	Northeast corporate limits	452	790
	Hanover St. (extended)	451	369
	Orange St. (extended)	451	330
	King St. (extended)	451	250
	Queen St. (extended)	451	255
	Southeast of Water St. at southern corporate limits	451	500
West branch Susquehanna River	Western corporate limits	452	670
	Confluence of unnamed tributary (south of 5th St.)	451	1,130
	3rd St. (extended)	451	315
	Front St.	451	650
	Water St.	451	855

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: February 25, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76-7637 Filed 3-17-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 15460]

AVIONS MARCEL DASSAULT-BREGUET AVIATION MODEL FALCON 10 AIRPLANES

Proposed Rule Making

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain Avions Marcel Dassault-Breguet Aviation (AMD-BA) Model Falcon 10 airplanes incorporating SICMA AERO-SEAT pilot seat, P/N 376-2, or copilot seat, P/N 376-3. These seats when positioned at their maximum height, and subjected to repeated upward or rearward loads, could distort the lateral seat rails. Such a distortion could allow unwanted movement of the seat during operations in turbulence or when performing high-"g" maneuvers and could result in the pilot losing control of the airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require modification of the pilot and copilot seat rails on certain AMD-BA Model Falcon 10 airplanes to prevent their distortion.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591.

All communications received on or before May 17, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT-BREGUET AVIATION (AMD-BA). Applies to Model Falcon 10 airplanes, S/N's 1 through 49, 51 and 54, certificated in all categories, incorporating SICMA AERO-SEAT pilot seat, P/N 376-2, or copilot seat, P/N 376-3.

Compliance is required within the next 100 hours time in service after the effective date of this AD, unless already accomplished.

To prevent possible unwanted movement of a pilot or copilot seat when operating in turbulence or when performing high-"g" maneuvers, for SICMA AERO-SEAT pilot seats, P/N 376-2, and copilot seats, P/N 376-3, modify the seat rails and reidentify the seats in accordance with SICMA AERO-SEAT Service Bulletin 376/F10/BS 01, dated June 5, 1975, including Revision "A", dated July 1975, or an FAA-approved equivalent.

(AMD-BA Service Bulletin No. F10/0063 (ATA No. F10/25/007), dated July 18, 1975, pertains to this subject.)

Issued in Washington, D.C., on March 10, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-7563 Filed 3-17-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-GL-6]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fergus Falls, Minnesota.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposed contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Fergus Falls Municipal Airport, Fergus Falls, Minnesota. Additional controlled airspace is required to protect the procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (41 FR 440), the following transition area is amended to read:

FERGUS FALLS, MINNESOTA

That airspace extending upward from 700' above the surface within a 6½-mile radius of Fergus Falls Municipal Airport (latitude 46°17'15" N, longitude 96°09'45" W.); within 3 miles each side of the 187° bearing from the airport, extending from the 6½-mile radius area to 8 miles south of the airport; and within 3 miles each side of the 343° (bearing from the airport), extending from the 6½-mile radius area to 8 miles northwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348), sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]).

Issued in Des Plaines, Illinois, on February 26, 1976.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.76-7564 Filed 3-17-76;8:45 am]

EXPORT-IMPORT BANK OF THE UNITED STATES

[12 CFR Part 405]

PRIVACY ACT RULES

Notice of Proposed Rules Amendment

MARCH 8, 1976.

Notice is hereby given that Export-Import Bank of the United States ("Eximbank") has under consideration

proposed rules amendment of Part 405 under 12 CFR.

The proposed amendments set forth rules and procedures for notification of the existence of records, for obtaining copies of records and for correction of records under the Privacy Act of 1974.

Interested persons are invited to submit written comments on these proposed rules amendments to the Vice President, Administration, Export-Import Bank of the United States, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571 by April 8, 1976.

It is proposed to amend 12 CFR Part 405 as follows:

1. Revise § 405.2 (b) and (c) as follows:

§ 405.2 Procedures for notification of existence of records pertaining to individuals.

(b) Requests for notification of the existence of a record should specifically identify the system of records involved, and should state, if the requester is other than the individual to whom the record pertains, the relationship of the requester to that individual. (Note that requests pursuant to the Privacy Act will not be honored by Eximbank unless made (1) by the individual to whom the record pertains, or (2) by such individual's parent, if the individual is a minor, or (3) by such individual's legal guardian, if the individual has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction). If an individual is unable to specifically identify the system of records in which that individual is interested, as above required, he or she may so inform Eximbank in writing, stating the reason for the inability, with as full a description of said system of records or the record itself as possible. Eximbank will thereupon use its best efforts to specifically identify the desired system of records.

(c) Eximbank will attempt to respond in writing to a request as to whether a record exists or for assistance in identifying the relevant system of records within 10 days from the time it receives the request or from the time any required identification is established, whichever is later.

2. Amend § 405.3 by revising (c) and adding new (e) and (f) as follows:

§ 405.3 Procedures for requests for access to or disclosure of records pertaining to individuals.

(c) Any individual (subject to the requirements of § 405.2(b)) may request access to or disclosure of records pertaining to him or her by either appearing at Eximbank or by writing to Eximbank (all as provided in of § 405.2(a)). The request should specifically identify the system of records involved and the nature of the information therein which is desired. Eximbank will attempt to provide individuals who appear at Eximbank with access to their records (providing that all of the other relevant rules hereof are properly met) on the same

day as their appearance, if such occurs before 11:00 A.M. Eximbank will attempt to answer written requests by making the record available within 10 working days of the request or by informing the requester of the need for additional identification or the tendering of fees (as specified in Paragraph (d) of this section) within said time period. If the record is to be made available, Eximbank will so notify the requester, which notice will state when the requested disclosure will be sent or when and where the records will be available for personal inspection, and, if a copy of a record has been requested, the number of pages Eximbank will copy to comply with the individual's request and that the copy will be mailed to the individual or held at Eximbank for the individual upon receipt of a check or money order payable to Eximbank for the sum due for copying these documents. In the case of an adverse determination with respect to a request, the Vice President, Administration shall so notify the individual in writing, shall specify the reasons therefor and shall advise of the procedure for appealing such adverse determination to an Executive Vice President, as specified in § 405.4 (d).

(e) If Eximbank refuses to comply with an individual's request for access, as above provided, that individual may, among other things, bring a civil action for relief against Eximbank in a district court of the United States.

(f) Any individual may also request (in accordance with the procedures above set forth) a copy of the "accounting" kept of each disclosure made by Eximbank to another person or agency (except for certain specified disclosures) of the record pertaining to that individual.

3. Amend § 405.4 by revising (e) and adding the following new (f):

§ 405.4 Correction of records pertaining to individuals.

(e) The final decision of an Executive Vice President in an appeal shall be in writing and the appellant shall be informed of the decision; if it is adverse to the appellant, the appellant shall be informed of the reasons for the refusal to amend the record and advised of his or her right to appeal the decision under 5 U.S.C. 552a(g)(1). The individual shall also be notified that he or she has the right to file with Eximbank a concise statement setting forth the reasons for his or her disagreement with the refusal of Eximbank to amend his or her record. Eximbank shall promptly inform any person or other agency about the correction of any record previously disclosed to that person or other agency (provided that an accounting of said disclosures was made). Eximbank shall, with respect to all prior disclosures and in any disclosure of a record made after the filing of a disagreement statement by the requesting individual, clearly note any portion of the record which is disputed and provide said recipient with copies of said state-

ment, plus, at the agency's discretion, copies of a concise statement of the reasons for its decision not to make any corrections.

(f) Assistance in preparing a request to amend a record or in appealing an adverse determination on such a request may be obtained from the Office of the General Counsel of Eximbank.

[SEAL] FRANCIS P. COLLINS,
Vice President, Administration.

MARCH 8, 1976.

[FR Doc.76-7819 Filed 3-17-76; 8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 207, 220, and 221]

[Regs. G, T, and U, Docket No. R-0025]

SECURITIES CREDIT TRANSACTIONS

Requirements for Inclusion and Continued Inclusion on the List of OTC Margin Stocks

Pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78g and w), notice is hereby given that the Board of Governors proposes to amend the sections of Parts 207, 220, and 221 which contain the requirements for a stock's inclusion and continued inclusion on the List of OTC Margin Stocks. The purpose of the proposed amendments is to revise the criteria for inclusion and continued inclusion on the List of OTC Margin Stocks in view of significant changes which have occurred in the over-the-counter (OTC) market, particularly the increased competition among the securities markets and the impact of the National Association of Securities Dealers Automated Quotation System (NASDAQ).

The changes in initial listing requirements that would be made by the proposed amendments are as follows: (1) The number of required market-makers would be reduced from 5 to 4; (2) the requirement for 1200 or more holders of record need not be met for stocks with an average daily trading volume of at least 500 shares; and (3) the required average stock price would be reduced from \$10.00 per share to \$5.00 per share.

The criteria for continued listing would be changed as follows: (1) An alternative to the requirement for 800 or more holders of record would be an average daily volume of 300 shares; and (2) the required average stock price of \$5.00 per share would be reduced to \$3.00 per share.

The amended sections of Regulations G, T, and U (12 C.F.R. Parts 207, 220 and 221) would read as follows:

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

1. Paragraphs (d) and (e) of § 207.5 (the Supplement to Regulation G) would be amended as set forth below:

§ 207.5 Supplement.

(d) *Requirements for inclusion on List of OTC Margin Stocks.* Except as provided in subparagraph (4) of § 207.2

(f), such stock shall meet the requirements that:

(1) The stock is subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(1)), is issued by an insurance company subject to section 12(g)(2)(G) (15 U.S.C. 78l(g)(2)(G)) that has at least \$1 million of capital and surplus, or is issued by a closed-end investment management company subject to registration pursuant to section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a-8).

(2) Four or more dealers stand willing to, and do in fact, make a market in such stock including making regularly published bona fide bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Commission from registration as a national securities exchange pursuant to section 5 of the Securities Exchange Act of 1934 (15 U.S.C. 78e).

(3) There are 1,200 or more holders of record, as defined in SEC rule 12g5-1 (17 CFR 240.12g5-1), of the stock who are not officers, directors, or beneficial owners of 10 per cent or more of the stock, or the average daily trading volume of such stock, as determined by the Board, is at least 500 shares.

(4) The issuer is organized under the laws of the United States or a state⁹ and it, or a predecessor in interest, has been in existence for at least 3 years.

(5) The stock has been publicly traded for at least 6 months.

(6) Daily quotations from both bid and asked prices for the stock are continuously available to the general public, and

(7) There are 500,000 or more shares of such stock outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 per cent of the stock; and shall meet two of the three additional requirements that:

(8) The shares described in subparagraph (7) of this paragraph have a market value of at least \$5 million.

(9) The minimum average bid price of such stock, as determined by the Board, is at least \$5 per share, and

(10) The issuer has at least \$5 million of capital, surplus, and undivided profits.

(e) *Requirements for continued inclusion on List of OTC Margin Stocks.* Except as provided in subparagraph (4) of § 207.2(f), such stock shall meet the requirements that:

(1) The stock continues to be subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(1)), or if issued by an insurance company such issuer continues to be subject to section 12(g)(2)(G) (15 U.S.C. 78l(g)(2)(G)) and to have at least \$1 million of capital and surplus, or if issued by a closed-end investment management company such issuer continues to be subject to registration pursuant to section 8 of the Investment

Company Act of 1940 (15 U.S.C. 80a-8).

(2) Three or more dealers stand willing to, and do in fact, make a market in such stock including making regularly published bona fide bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Commission from registration as a national securities exchange pursuant to section 5 of the Securities Exchange Act of 1934 (15 U.S.C. 78e).

(3) There continue to be 800 or more holders of record, as defined in SEC Rule 12g5-1 (17 CFR 240.12g5-1), of the stock who are not officers, directors, or beneficial owners of 10 per cent or more of the stock, or the average daily trading volume of such stock, as determined by the Board, is at least 300 shares.

(4) The issuer continues to be a U.S. corporation.

(5) Daily quotations for both bid and asked prices for the stock are continuously available to the general public, and

(6) There are 300,000 or more shares of such stock outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 per cent of the stock; and shall meet two of the three additional requirements that:

(7) The shares described in subparagraph (6) of this paragraph continue to have a market value of at least \$2.5 million.

(8) The minimum average bid price of such stock, as determined by the Board, is at least \$3 per share, and

(9) The issuer continues to have at least \$2.5 million of capital, surplus, and undivided profits.

PART 220—CREDIT BY BROKERS AND DEALERS

(2) Paragraphs (h) and (i) of § 220.8 (the Supplement to Regulation T) would be amended as set forth below:

§ 220.8 Supplement.

(h) *Requirements for inclusion on List of OTC Margin Stocks.* Except as provided in subparagraph (4) of § 220.2(e), OTC margin stock shall meet the requirements that:

(1) The stock is subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(1)), is issued by an insurance company subject to section 12(g)(2)(G) (15 U.S.C. 78l(g)(2)(G)) that has at least \$1 million of capital and surplus, or is issued by a closed-end investment management company subject to registration pursuant to section 8 of the Investment Company Act of 1940 (15 U.S.C. § 80a-8).

(2) Four or more dealers stand willing to, and do in fact, make a market in such stock including making regularly published bona fide bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Commission from registration as a national securities ex-

change pursuant to section 5 of the Securities Exchange Act of 1934 (15 U.S.C. 78e).

(3) There are 1,200 or more holders of record as defined in SEC Rule 12g5-1 (17 C.F.R. 240.12g5-1), of the stock who are not officers, directors, or beneficial owners of 10 percent or more of the stock, or the average daily trading volume of such stock, as determined by the Board, is at least 500 shares.

(4) The issuer is organized under the laws of the United States or a State⁹ and it, or a predecessor in interest, has been in existence for at least 3 years.

(5) The stock has been publicly traded for at least 6 months.

(6) Daily quotations for both bid and asked prices for the stock are continuously available to the general public, and

(7) There are 500,000 or more shares of such stock outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 percent of the stock; and shall meet two of the three additional requirements that:

(8) The shares described in subparagraph (7) of this paragraph have a market value of at least \$5 million.

(9) The minimum average bid price of such stock, as determined by the Board, is at least \$5 per share, and

(10) The issuer has at least \$5 million of capital, surplus, and undivided profits.

(i) *Requirements for continued inclusion on List of OTC Margin Stocks.* Except as provided in subparagraph (4) of § 220.2(e), OTC margin stock shall meet the requirements that:

(1) The stock continues to be subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(1)), or if issued by an insurance company such issuer continues to be subject to section 12(g)(2)(G) (15 U.S.C. 78l(g)(2)(G)) and to have at least \$1 million of capital and surplus, or if issued by a closed-end investment management company such issuer continues to be subject to registration pursuant to section 8 of the Investment Company Act of 1940 (15 U.S.C. § 80a-8).

(2) Three or more dealers stand willing to, and do in fact, make a market in such stock including making regularly published bona fide bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Commission from registration as a national securities exchange pursuant to section 5 of the Securities Exchange Act of 1934 (15 U.S.C. 78e).

(3) There continue to be 800 or more holders of record, as defined in SEC Rule 12g5-1 (17 C.F.R. 240.12g5-1), of the stock who are not officers, directors, or beneficial owners of 10 percent or more of the stock, or the average daily trading volume of such stock, as determined by the Board, is at least 300 shares.

(4) The issuer continues to be a U.S. corporation.

⁹ As defined in 15 U.S.C. 78c(a)(16).

⁹ As defined in 15 U.S.C. 78c(a)(16).

(5) Daily quotations for both bid and asked prices for the stock are continuously available to the general public, and

(6) There are 300,000 or more shares of such stock outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 per cent of the stock; and shall meet two of the three additional requirements that:

(7) The shares described in subparagraph (6) of this paragraph continue to have a market value of at least \$2.5 million,

(8) The minimum average bid price of such stock, as determined by the Board, is at least \$3 per share, and

(9) The issuer continues to have at least \$2.5 million of capital, surplus, and undivided profits.

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

3. Paragraphs (d) and (e) of § 221.4 (the Supplement to Regulation U) would be amended as set forth below:

§ 221.4 Supplement.

(d) *Requirements for inclusion on List of OTC Margin Stocks.* Except as provided in subparagraph (4) of § 221.3 (d), OTC margin stock shall meet the requirements that:

(1) The stock is subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(1)), is issued by an insurance company subject to section 12(g)(2)(G) (15 U.S.C. 78l(g)(2)(G)) that has at least \$1 million of capital and surplus, or is issued by a closed-end investment management company subject to registration pursuant to section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-8),

(2) Four or more dealers stand willing to, and do in fact, make a market in such stock including making regularly published *bona fide* bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Commission from registration as a national securities exchange pursuant to section 5 of the Securities Exchange Act of 1934 (15 U.S.C. 78e),

(3) There are 1,200 or more holders of record, as defined in SEC Rule 12g5-1 (17 C.F.R. 240.12g5-1) of the stock who are not officers, directors, or beneficial owners of 10 per cent or more of the stock, or the average daily trading volume of such stock, as determined by the Board, is at least 500 shares,

(4) The issuer is organized under the laws of the United States or a State and it, or a predecessor in interest, has been in existence for at least 3 years,

(5) The stock has been publicly traded for at least 6 months,

(6) Daily quotations for both bid and asked prices for the stock are continuously available to the general public, and

(7) There are 500,000 or more shares of such stock outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 per cent of the stock; and shall meet two of the three additional requirements that:

(8) The shares described in subparagraph (7) of this paragraph have a market value of at least \$5 million,

(9) The minimum average bid price of such stock, as determined by the Board, is at least \$5 per share, and

(10) The issuer has at least \$5 million of capital, surplus, and undivided profits.

(e) *Requirements for continued inclusion on List of OTC Margin Stocks.* Except as provided in subparagraph (4) of § 221.3 (d), OTC margin stock shall meet the requirements that:

(1) The stock continues to be subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(1)), or if issued by an insurance company such issuer continues to be subject to section 12(g)(2)(G) (15 U.S.C. 78l(g)(2)(G)) and to have at least \$1 million of capital and surplus, or if issued by a closed-end investment management company such issuer continues to be subject to registration pursuant to section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-8),

(2) Three or more dealers stand willing to, and do in fact, make a market in such stock including making regularly published *bona fide* bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Commission from registration as a national securities exchange pursuant to section 5 of the Securities Exchange Act of 1934 (15 U.S.C. 78e),

(3) There continue to be 800 or more holders of record, as defined in SEC Rule 12g5-1 (17 C.F.R. 240.12g5-1), of the stock who are not officers, directors, or beneficial owners of 10 per cent or more of the stock, or the average daily trading volume of such stock, as determined by the Board, is at least 300 shares,

(4) The issuer continues to be a U.S. corporation,

(5) Daily quotations for both bid and asked prices for the stock are continuously available to the general public, and

(6) There are 300,000 or more shares of such stock outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 per cent of the stock; and shall meet two of the three additional requirements that:

(7) The shares described in subparagraph (6) of this paragraph continue to have a market value of at least \$2.5 million,

(8) The minimum average bid price of such stock, as determined by the Board, is at least \$3 per share, and

(9) The issuer continues to have at least \$2.5 million of capital, surplus, and undivided profits.

To aid in the consideration of this matter by the Board, interested persons

are invited to submit relevant data, views, or arguments concerning this proposal. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than April 23, 1976. All material submitted should include the docket number R-0025. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 C.F.R. 262.2(a)).

By order of the Board of Governors,
March 10, 1976.

[SEAL]

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 76-7747 Filed 3-17-76; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1056]

[Ex Parte No. MC-19 (Sub-No. 28)]

MOTOR COMMON CARRIERS

Advertising of Household Goods

The Interstate Commerce Commission is proposing to amend Part 1056 of Title 49 of the Code of Federal Regulations by adding § 1056.30 and modifying § 1056.1. The proposed changes would add a definition of the term "advertising" to section 1056.1 and would require household goods carriers to include in their advertising the name of the motor carrier under whose operating rights the advertised service will be performed and the certificate or docket number assigned to such operating rights by the I.C.C. This would include advertising by an agent which is holding itself out to provide interstate motor carrier service under the authority of its principal carrier.

This proceeding is being instituted as a result of investigations by this Commission's field staff of several consumer complaints regarding Yellow Pages advertisements which were alleged to be misleading. It is apparent from an examination of representative Yellow Pages advertisements from various cities throughout the Nation that "long distance" and "interstate" moving services are being advertised by companies without appropriate authority from this Commission. Such a practice is harmful to the competitive structure of the regulated household goods industry and to the general public it serves. This Commission requires household goods carriers to adhere to a high standard of service which the public would not receive if it contacts a carrier advertising an unlawful service. The Bell System Operating Telephone Companies have agreed to cooperate with the Commission in this matter and Yellow Pages ads which do not comply with the proposed rules, if

* As defined in 15 U.S.C. 78c(a) (16).

adopted, would not be accepted. The regulation will differentiate simple listings of name, address, and telephone number, which will not be subject to the regulation from "display" advertising which will be so subject. This is particularly relevant as to telephone directories, including Yellow Pages.

Oral hearings do not appear necessary at this time and none is contemplated. Anyone wishing to present views and evidence, either in support of, or in opposition to, the action proposed in this notice may do so by the submission of written data, views, or arguments. An original (and 15 copies whenever possible) of such data, views, or arguments shall be filed with:

Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

on or before April 12, 1976.

All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

This notice of proposed rulemaking is issued under the authority of Part II of the Interstate Commerce Act and sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559).

Issued in Washington, D.C., March 5, 1976.

[SEAL]

ROBERT L. OSWALD,
Secretary.

Accordingly, it is proposed to amend 49 CFR Part 1056 by adding section 1056.30 as follows:

§ 1056.30 Advertising by motor common carriers of household goods.

(a) On and after March 1, 1977, every motor common carrier engaged in the transportation of household goods in interstate or foreign commerce, including carriers providing any accessorial service incidental to or part of such interstate or foreign transportation, shall include in every advertisement as defined in section 1056.1(d) the name or trade name of the motor carrier under whose operating authority the advertised service will be performed, and the certificate or docket number assigned to such operating authority by the Interstate Commerce Commission.

(b) Such certificate or docket number shall be in the following form in every advertisement: "I.C.C. No. MC-____" but shall not include any subnumbers which may have been assigned.

§ 1056.1 [Amended]

Section 1056.1 is modified by relettering the present subsection (d) and making it subsection (e) without any other change and inserting a new subsection (d) as follows:

(d) *Advertisement.* The term "advertisement" means any communication published in written or printed form in connection with an offer or sale of any interstate transportation service, but shall not be construed to include a simple

listing of a carrier's name, address, and telephone number.

[FR Doc.76-7651 Filed 3-17-76; 8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Modification and Extension of the Price-Anderson Act

On December 31, 1975, H.R. 8631 was enacted as Public Law 94-197. This legislation modifies and extends for ten years (to August 1, 1987) the present Price-Anderson legislation.¹ Price-Anderson established a system of Government indemnity and license conditions requiring licensees to have financial protection designed to compensate the public for damages caused by nuclear incidents.

A. *Phase-out of Government Indemnity.* P.L. 94-197 directs the Nuclear Regulatory Commission (NRC) to require licensees who must, pursuant to 42 U.S.C. 2210(b), maintain the maximum amount of financial protection available from private sources, to participate in an insurance retrospective premium plan. NRC must establish, before December 31, 1976, a retrospective figure, applicable to all licensed facilities, between \$2 million and \$5 million. The report of the Joint Committee on Atomic Energy on H.R. 8631 stated that the range was intended, among other things, to enable Government indemnity to be phased out by 1985. The NRC was directed to consider this time frame as a guideline in establishing the premium (H. Rept. No. 94-648, accompanying H.R. 8631, November 10, 1975, 94th Congress, 1st Session). In the event of a nuclear incident resulting in damages exceeding the amount of the "primary layer" of insurance available from private companies, each licensee would be required to pay, per licensed facility, a prorated share of the damages in excess of the amount of the primary layer.

B. *Increase in Limit on Liability.* P.L. 94-197 provides that the present \$560 million limit on aggregate liability for a single nuclear incident be retained until the combined primary and assessable retrospective insurance layers reach the \$560 million level. After that point the limit on liability would rise, corresponding to increases in the primary and retrospective insurance layers. No ultimate dollar limit on liability is provided.

C. *Extension of Indemnity Coverage Outside United States Territorial Limits.* P.L. 94-197 extends indemnity protection to (1) shipments of new or spent fuel which may move outside of the U.S. territorial limits during transit from one licensed nuclear facility to another and (2) stationary nuclear facilities such as floating nuclear power plants licensed by the NRC and located beyond the U.S.

¹ 42 U.S.C. 2210 and pertinent subsections in 42 U.S.C. 2014.

territorial limits. In neither case would indemnity coverage be extended to activities conducted within the territorial limits of another nation.

D. *Extension of Time for Bringing Suit.* P.L. 94-197 provides that in the event of an "extraordinary nuclear occurrence" the NRC can require in an insurance contract furnished as proof of financial protection, and incorporate in indemnity agreements, provisions which waive the defense of any statute of limitations if suit is instituted within 3 years from the date on which the claimant first knew or reasonably could have known of his injury or damage and the cause thereof, but in no event more than 20 years after the date of the nuclear incident. Before the enactment of P.L. 94-197, the outer limit on initiation of suit was 10 years after the date of the nuclear incident.

E. *Exclusion of Costs of Investigation, Settlement and Defense of Claims.* P.L. 94-197 provides that the costs of investigation, settlement and defense of claims arising out of a nuclear incident not be deducted from indemnity funds paid to claimants.

The Nuclear Regulatory Commission is authorized to implement the provisions of the Price-Anderson Act, as amended, by appropriate regulations. The purpose of this notice is to invite advice and recommendations from interested persons with regard to implementation of P.L. 94-197. The Commission is particularly interested in receiving views, together with the bases therefor, on the following:

1. The Commission must, no later than December 31, 1976, establish at some level between \$2 million and \$5 million, the amount of the deferred retrospective premium to be assessed against each licensee required to maintain the maximum amount of financial protection available from private sources in the event of a nuclear incident resulting or likely to result in damages to the public in excess of the primary layer of financial protection required. The time by which Government indemnity will be phased out depends on the amount of the retrospective premium and the rate at which large nuclear power reactors are licensed. Based on the Commission's estimates as to the number of power reactors for which operating licenses will be granted retrospective premium levels of \$2, \$3, \$4, and \$5 million will permit termination of Government indemnity² in 1987, 1984, 1982, and 1980 respectively. The Congress, in the Joint Committee Report, expressed its desire for the phase-out of Government indemnity as soon as it is reasonably feasible and directed the Commission to consider effectuation of the phase-out of Government indemnity by 1985 as a guideline in establishing the retrospective premium. Premiums of \$3, \$4, or \$5 million would meet this guideline. A retrospec-

² As discussed below, indemnity may be continued in some amounts in the event of defaults in payments of retrospective premiums.

tive premium of \$5 million would result in the highest total amount of financial protection to the public (e.g., approximately \$1.5 billion in 1990 compared to \$980 million at \$3 million and \$1.3 billion at \$4 million). On the other hand, the JCAE Report referred to above indicated the Congressional concern that a high retrospective premium might hamper the efforts of the smaller utilities to raise capital. In view of these competing considerations, the Commission invites views on the retrospective premium that it should establish.

2. The Commission is authorized to establish a maximum amount which the aggregate deferred premiums charged for each facility within one calendar year may not exceed. The Commission requests comments on the factors that it should be consider in determining whether to establish such a maximum amount.

3. The legislation authorizes the Commission to establish amounts less than the standard retrospective premium for individual facilities on the basis of such factors as the facility's size, location and other factors pertaining to the hazard. The Commission requests views on what conditions or situations would warrant the establishment of amounts less than the standard retrospective premium for particular facilities.

4. The Commission is directed by P.L. 94-197 to establish requirements necessary to assure that deferred premiums will be paid as called for following a nuclear incident. The JCAE Report referred to above stated that payment of the retrospective premiums should be assured by the nuclear and insurance industries to the maximum extent possible. In the event that the resources of the nuclear liability insurance pools are not sufficient to absorb defaults by licensees in payment of the retrospective premiums, the Commission may provide reinsurance or shall otherwise guarantee the payment of retrospective premiums. (The nuclear liability insurance pools have indicated that they can presently provide coverage for \$30 million in defaults.) Any agreement by the Commission with a licensee or the nuclear liability insurance pools to guarantee the payment of such premiums may contain terms to assure reimbursement to the Commission, including, but not limited to, the creation of liens on the facility and/or liability premium of \$5 million would result

in the highest total amount of financial protection to the public (e.g., approximate revenues and consent to the automatic revocation of the license. The Commission would like views on feasible methods for guaranteeing the payment of retrospective premiums, in addition to government indemnity. These views should consider the provisions to be adopted for utilizing the resources of the insurance and nuclear industry to offset defaults in payment of retrospective premiums. In addition, comments are requested on feasible methods of ultimate government reimbursement in addition to the creation of liens and the revocation of licenses. In this connection, it may be noted that a lien created by agreement between the Commission and a licensee would likely be subordinate to some other creditors' claims.

5. The legislation authorizes the Commission to reduce the annual indemnity fee of \$30 per thermal megawatt in reasonable relation to increases in financial protection required above a level of \$60 million. This indemnity fee has no actuarial basis; it is not a reflection of the cost to the Government of providing a given amount of indemnity protection to NRC licensees. The Commission requests comments on the criteria that should be used in determining whether the indemnity fee should be reduced.

6. At the present time, financial protection for the operation of the only fuel reprocessing plant licensed to operate, the Nuclear Fuel Services facility at West Valley, NY, has been established at an interim level of \$20 million. In arriving at this interim amount, the Atomic Energy Commission took into account a number of factors, one of which was the maximum amount of nuclear liability insurance available at the time the operating license was issued. The Commission is considering establishment of a financial protection requirement for reprocessing plants on a permanent basis. Views are requested as to whether there is a sufficient justification under the criteria in 42 U.S.C. 2210(b) for requiring commercial reprocessing plants to maintain the same level of financial protection, i.e., including possible assessment of a retrospective premium, as that required of commercial power reactor licensees. In addition, the Commission invites comments on factors that it should consider in resolving this matter other than those specifically mentioned in 42 U.S.C. 2210(b) - (1) the cost and terms of private insurance, (2) the type, size and location of

the licensed activity and other factors pertaining to the hazard and (3) the nature and purpose of the activity.

7. The Commission has not yet exercised its discretionary authority to require persons holding licenses to possess and use nuclear material, including persons who operate plutonium processing and fuel fabrication plants, to maintain financial protection and enter into indemnity agreements. The Commission requests views on whether licensees of plutonium processing and fuel fabrication plants should be required to maintain financial protection and, if so, whether the financial protection level should be established at the maximum amount available from private sources or at some lesser amount using the criteria in 42 U.S.C. 2210(b) described in the preceding paragraph.

8. Under the present Price-Anderson system, no separate insurance contracts or indemnity agreements are issued to cover transportation of nuclear materials. Carriers are, however, covered under the "omnibus" feature of licensee financial protection and indemnity. It has been suggested that transportation be separately covered. The Commission invites comments with respect to any advantage to the public and/or the carrier that would result from such coverage by the Price-Anderson Act, as contrasted with present coverage under the omnibus features of the Price-Anderson Act. In this respect, deficiencies, if any, in public protection under present coverage should be identified.

Interested persons are invited to submit written comments and suggestions, with supporting documentation, on the foregoing matters, or on any other matters pertinent to the subject matter of this notice. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Section by May 17, 1976. Copies of comments received by the Commission may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, DC.

(Sec. 161, Pub. Law 83-703, 68 Stat. 948; sec. 4, Pub. Law 85-256, 71 Stat. 576; Pub. Law 94-197, 89 Stat. 1111 (42 U.S.C. 2201, 2210)).

Dated at Washington, D.C. this 16th day of March 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-7984 Filed 3-17-76;9:38 am]

Bureau of Land Management

(Wyoming 54489)

WYOMING**Notice of Application**

MARCH 11, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Stauffer Chemical Company of Wyoming has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 19 N., R. 104 W.,
Sec. 14.

The pipeline will convey natural gas from a well located in the SW $\frac{1}{4}$, sec. 13, T. 19 N., R. 104 W., to the company's main line located at a point in the NW $\frac{1}{4}$, sec. 23, T. 19 N., R. 104 W.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-7752 Filed 3-17-76;8:45 am]

(Wyoming 54276)

WYOMING**Notice of Application**

MARCH 11, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 30 N., R. 113 W.,
Sec. 21,
Sec. 28.

The pipelines will convey natural gas from wells located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 21 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 28, T. 20 N., R. 98 W., to an existing gathering system in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested person desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-7753 Filed 3-17-76;8:45 am]

(Wyoming 54271)

WYOMING**Notice of Application**

MARCH 11, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Western Oil Transportation Co., Inc. has applied for a crude oil pipeline gathering system right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 46 N., R. 77 W.,
Sec. 23.

The pipeline will convey crude oil from an existing tank battery located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 24, T. 46 N., R. 77 W., to a tank battery located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 23, T. 46 N., R. 77 W., Johnson County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, Wyoming 82601.

HAROLD G. STINCHCOMB,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-7754 Filed 3-17-76;8:45 am]

SAFFORD DISTRICT MULTIPLE USE ADVISORY BOARD**Meeting**

MARCH 11, 1976.

Notice is hereby given that the Safford District, Bureau of Land Management Multiple Use Advisory Board will meet April 28 and 29, 1976.

The meeting will begin at 8:00 a.m., April 28, at the Safford District Office, 1707 Thatcher Boulevard, Safford, Arizona, for a two-day field examination of the Safford District.

The purpose of the meeting is to give the Advisory Board an overview of the San Simon Grazing EIS area, accomplishments of the Allotment Management Plan program, and general information regarding range improvements for range management.

The meeting is open to the public, but they must provide their own transportation, food, and lodging.

Further information concerning the meeting may be obtained from the Safford District Manager at the above address, or by phoning (602) 428-1100.

WILLIAM S. EARP,
District Manager.

[FR Doc.76-7755 Filed 3-17-76;8:45 am]

Bureau of Reclamation**ATMOSPHERIC WATER RESOURCES MANAGEMENT PROGRAM****Public Hearings on Programmatic Draft Environmental Impact Statement**

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement for the Atmospheric Water Resources Management Program of the Bureau of Reclamation. This statement (INT DES 76-10, dated March 5, 1976) was made available to the public on March 5, 1976.

The draft environmental impact statement deals with a program of research and development intended to make available an effective and acceptable technology for precipitation management. Emphasis in the research and development phase is on prospective applications in the Western United States. Applications are open to all users, however, and may occur anywhere, subject to existing laws and regulations.

Public hearings will be held at the following places and times:

1 p.m., April 19, 1976—Miles Community College, Miles City, Montana.

1 p.m., April 21, 1976—Bureau of Reclamation, Auditorium, Denver Federal Center, Denver, Colorado.

1 p.m., April 23, 1976—Sacramento Municipal Utility District, Auditorium, 6201 S Street, Sacramento, California.

The purpose of the hearings is to receive views and comments from interested organizations and individuals relating to the environmental impact of the subject program. Oral statements at the hearings will be limited to a period of 10 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearings may allow any speaker to provide additional oral comment after all persons wishing to comment have been heard. Speakers will be scheduled according to their place and time preference, if any, mentioned by letter or telephone request. Any scheduled speaker not present when called will lose his/her privilege in the scheduled order and his/her name will be recalled at the end of the scheduled speakers. Requests for scheduled presentations will be accepted until 4 p.m. of the business day next preceding the date of each hearing, and any subsequent requests will be handled on a first-come, first-served basis following the scheduled presentations.

Organizations or individuals desiring to present statements at the hearings should contact the Division of Atmospheric Water Resources Management, Bureau of Reclamation, Building 67, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 224-2056, by letter or telephone and announce their intentions to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearings

should be received by May 3, 1976, to be included in the hearings record.

GILBERT G. STAMM,
Commissioner of Reclamation.

[FR Doc.76-7758 Filed 3-17-76;8:45 am]

Fish and Wildlife Service ARIZONA

Notice of Application

Notice is hereby given that under Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 30 inch crude oil pipeline right-of-way that will cross the following lands:

GILA AND SALT RIVER MERIDIAN

- T. 2 N., R. 15 W.,
Secs. 13, 14, 15, 17, 18, 20, 21, 22.
T. 2 N., R. 16 W. (unsurveyed lands),
Secs. 10, 13, 14, 15, 16, 17, 18.
T. 2 N., R. 17 W. (unsurveyed lands),
Secs. 9, 10, 11, 12, 13, 16, 17, 18.
T. 2 N., R. 18 W.,
Secs. 7, 8, 13, 14, 15, 16, 17.

The pipeline will convey crude oil across 24,869 miles of the Kofa Game Range, Yuma County, Arizona. The purpose of this notice is to inform the public that the United States Fish and Wildlife Service will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so within thirty (30) days and send their name and address to the Regional Director, U.S. Fish and Wildlife Service, Post Office Box 1306, Albuquerque, New Mexico 87103.

W. O. NELSON, Jr.,
Regional Director,
U.S. Fish and Wildlife Service.

FEBRUARY 27, 1976.

[FR Doc.76-7673 Filed 3-17-76;8:45 am]

National Park Service

ADVISORY BOARD ON NATIONAL PARK, HISTORIC SITES, BUILDINGS AND MONUMENTS

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments will be held on April 5, 6 and 7 at the Department of the Interior, 18th and C Streets NW., Washington, D.C.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the administration of the Historic Sites Act of 1935.

The members of the Advisory Board are as follows:

Mr. Steven Rose (Chairman), La Canada, Calif.

Dr. Douglas W. Schwartz (Vice Chairman, Santa Fe, New Mexico.

Dr. William G. Shade (Secretary), Bethlehem, Pa.

Hon. E. Y. Berry, Rapid City, South Dakota.

Hon. Alan Bible, Reno, Nevada.

Mr. Laurence W. Lane, Jr., Menlo Park, Calif.

Dr. A. Starker Leopold, Berkeley, Calif.

Mrs. Anne Jones Morton, Easton, Maryland.

Mr. Linden C. Pettys, Ludington, Michigan.

Mrs. Nancy Rennell, Greenwich, Conn.

Dr. Edgar A. Toppin, Petersburg, Virginia.

Meetings will be held in different locations as follows:

April 5, 9 a.m., Room 5160. The Advisory Board will meet in general session in regard to administrative matters pertaining to the Board and to receive reports on several topics, including legislation affecting the National Park System, and to hear a representative from the Concessioners.

April 6, 8 a.m., Room 3119. The Committee on Surplus Federal Property will meet to consider reports on the development of the application for transfer of a portion of the Boston Naval Shipyard; request for approval of transfer of the Old Post Office Building in St. Martinsville, La.; the Post Office and Court House Building, Little Rock, Ark.; and brief reports on other pending transfer applications.

April 6, 9 a.m., Room 5160. The History Areas Committee will meet to hear reports on various studies, including subthemes or portions of subthemes on "Science and Invention," "Architecture," "The Contemplative Society" considering properties associated with the role of Afro-Americans; "Political and Military Affairs after 1914;" completion of the subtheme "Political and Military Affairs, 1865-1914;" three special studies—Power Canal Systems in the Mid-Atlantic and South Atlantic States; John D. Rockefeller, Sr. Home; and Smithfield Street Bridge, Pittsburgh, Pa.

April 6, 9 a.m., Room 8068, North Penthouse. The Natural Areas Committee will meet to receive reports on summaries of natural history theme studies completed since last Board meeting; and shall consider approximately 20 natural areas as potential additions to the National Registry of Natural Landmarks.

April 6, 2 p.m., Room 3119, the Recreation Areas Committee and Special Committee on Concessions will meet to receive a report on the status of Concessions management in the National Park Service.

April 7, 9:30 a.m., Room 5160, the Advisory Board will reconvene to receive reports from the committee meetings, and to formulate its comments and recommendations.

The meetings will be open to the public, but facilities and space to accommodate members of the public are limited, and it is expected that not more than 25 people will be able to attend.

Any member of the public may file with the Advisory Board a statement in

writing concerning any of the matters to be discussed. Persons desiring further information concerning this meeting or who wish to file written statements may contact Miss Shirley Luikens, National Park Service, Washington, D.C., at 202-343-2012.

Minutes of the meeting will be available for public inspection 10 to 12 weeks after the meeting in Room 3123, Interior Building, Washington, D.C.

Dated: March 8, 1976.

ROBERT M. LANDAU,
Liaison Officer, Advisory Com-
missions National Park Serv-
ice.

[FR Doc.76-7668 Filed 3-17-76;8:45 am]

Office of the Secretary

[Order No. 2987]

ALASKA

Reservation of Easements for the Transportation of Energy, Fuel, and Natural Resources

Section 1. *Purpose.* The purpose of this order is (a) to establish policy for reserving easements for the transportation of energy, fuel, and natural resources in the State of Alaska pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708), and (b) to direct the State Director, Bureau of Land Management, Alaska, to reserve such easements for the use of the United States.

Section 2. *Direction.* The State Director, Bureau of Land Management, Alaska, is hereby directed to reserve the following described easement to the United States in all conveyances made pursuant to the ANCSA on mainland Alaska (excluding that portion of the southeastern region lying south and east of the former section 16 withdrawal for the village of Yakutat). The easement shall be for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. The easement here described shall include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of any easement reserved pursuant to this order shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easement will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of the easement reserves pursuant to

this order that are actually in use or that are expressly authorized on the twentieth anniversary of this order shall continue to be in force.

Section 3. Scope. This order deals with easements for the transportation of energy, fuel, and natural resources. Instructions for the reservation of local public easements were promulgated by Secretarial Order No. 2982, dated February 5, 1976, and published in the *FEDERAL REGISTER* on February 12, 1976.

Section 4. Determination of the Non-local Easements Which Are Necessary for Public Use. Pursuant to the authority vested in the Secretary of the Interior under section 17(b) of the ANCSA, the following determinations have been made concerning nonlocal easements which are necessary for public use:

1. There is a national need to expedite the transportation of energy, fuel, and natural resources in order to meet the national energy crisis;

2. The routes of such transportation should be precisely and carefully planned;

3. The number of options or alternatives available as possible routes should be maximized in order to preserve optimum choices;

4. Federally owned energy, fuel, and natural resources should be developed, transported, and delivered without unreasonable expense or delay to the Federal Government along routes that are under Federal control in order that environmental protection and public safety can be maintained;

5. Privately owned energy, fuel, and natural resources that are being developed for a profit should not be afforded extraordinary privileges across private property. Therefore, easements should not be reserved by the United States in conveyances to Alaska Natives for the benefit of such privately owned energy, fuel, and natural resources;

6. The further delay in ascertaining the routes to be used by or for the United States will detrimentally affect those entitled to receive conveyances pursuant to the ANCSA;

7. All prior studies of potential transportation routes have disclosed that few, if any, islands off the coast of Alaska or the southeastern panhandle of Alaska will be utilized in the transportation of energy, fuel, and natural resources regardless of whether the energy, fuel, and natural resources are ultimately transported by sea or across Canada. Therefore, easements should not be reserved on such islands or in the southeastern panhandle of Alaska south and east of the section 16 withdrawal for the village of Yakutat;

8. The best way to accomplish the foregoing would be to reserve easements on mainland Alaska (excluding that portion of the southeastern region lying south and east of the former section 16 withdrawal for the village of Yakutat) in behalf of the United States to cross all the land conveyed pursuant to the ANCSA rather than delineating selected

narrow corridors for such rights-of-way at this time;

9. Strict compliance with the regulations, 43 CFR 2650.4-7, should be waived provided that the rights of each grantee set forth in 43 CFR 2650.4-7(b)(2), (c)(1), and (c)(2) should still be preserved in the conveyance.

Section 5. Waiver of Regulations. Pursuant to the provisions of 43 CFR 2650.0-8, the provisions of 43 CFR 2650.4-7 are hereby waived provided that the rights of each grantee set forth in 43 CFR 2650.4-7(b)(2), (c)(1), and (c)(2) are preserved in the conveyance.

Section 6. Limitations. The actions of the State Director under this delegation shall be subject to supervision and review by the Director, Bureau of Land Management.

Section 7. Effective Date. This order is effective immediately and shall remain in effect until it is amended, superseded, or revoked.

Dated: March 3, 1976.

Prepared for publication in the *FEDERAL REGISTER*.

THOMAS S. KLEPPE,
Secretary of the Interior.

[FR Doc. 76-7675 Filed 3-17-76; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Order No. 918-7 CFR Part 918]

DISTRIBUTORS' ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of § 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Distributors' Advisory Committee established under Marketing Order No. 918 (7 CFR Part 918). This order regulates the handling of fresh peaches grown in Georgia and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the Dempsey Motor Hotel, Macon, Georgia, at 1:00 p.m., local time, on April 2, 1976.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of fresh Georgia peaches by grade, size, or maturity.

The names of committee members, agenda, summary of the meeting, and other information pertaining to the meeting may be obtained from J. T. Scruggs, Manager, Industry Committee, P.O. Box 6704, Orlando, Florida 32803; telephone 305-894-9512.

Dated: March 16, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc. 76-7933 Filed 3-17-76; 8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON STATE AND LOCAL AREA STATISTICS

Public Meeting

The Census Advisory Committee on State and Local Area Statistics will convene on April 22, 1976 at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

This is the first meeting of this Committee which was formed by the merger of the Census Advisory Committee on Small Areas and the Census Advisory Committee on State and Local Government Statistics.

The Census Advisory Committee on State and Local Area Statistics was established in February 1976 to advise the Director, Bureau of the Census on the development of statistical programs and activities that relate to states and sub-state areas, and on the means of expanding the dissemination of census results among present and potential users of census data.

The Committee is composed of ten members appointed by the Secretary of Commerce, and five members appointed by the organization they represent.

The agenda for the meeting is: (1) Center for Census Use Studies, (2) Census reference sources—guides and indexes, (3) graphic output from the Census Bureau—practices and prospects, (4) statistical areas program, (5) building permit cooperative program, (6) cooperative program for population projections, and (7) year 2000 planning program.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. Michael G. Garland, Chief, Data User Services Division, Bureau of the Census, Room 3069, Federal Building 3, Suitland, Maryland. (Mail Address: Washington, D.C. 20233). Telephone (301) 763-7720.

Dated: March 12, 1976.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc. 76-7703 Filed 3-17-76; 8:45 am]

Domestic and International Business Administration

YALE UNIVERSITY ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section

6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act (40 F.R. 12253 et seq., 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00219-33-46040. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, Connecticut 06520. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the investigation of the fine structure of the nervous system including neurons, myelinated and unmyelinated nerve fibers, glial cells, ependyma synapses and blood vessels. Particular emphasis will be given to high resolution studies of cell junctions, myelin lamellae and cell membranes. Application received by Commissioner of Customs: December 1, 1975.

Docket number: 76-00303. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, Conn. 06520. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section materials for high resolution light and electron microscopic examination of kidney tubules from rats and kidney tubules and urinary bladders of several species of amphibians and several species of fish. The structural characteristics of various transporting epithelial will be studied in a variety of normal and pathologic states and it is intended to correlate the structure with function at the cellular level and approach renal physiology and pathology from an integrated standpoint. The article will also be used in the postgraduate training of pathologists, physiologists and cell biologists preparing for a career in the investigation of transporting epithelia. Application received by Commissioner of Customs: February 24, 1976.

Docket number: 76-00304. Applicant: Midwest Research Institute, 425 Volker Boulevard, Kansas City, Missouri 64110. Article: Mass Spectrometer, Model MAT 311A. Manufacturer: Varian-MAT, West Germany. Intended use of article: The article is intended to be used to provide high resolution mass spectrometry for

accurate mass assignment and calculation of empirical formulae for molecular and fragment ions of substances submitted to the mass spectrometer facility for analysis. These types of compounds submitted include: organic environmental pollutants (pesticides, PCB's, POM's, etc.); chemical agents; carcinogens; anti-cancer agents; anti-malarial agents; drugs and drug metabolites; antibiotics; steroid and steroid metabolites; pheromones and hormones; and amino acids and derivatives. The article will also be used to determine isotopic abundance at exact masses in those cases where it is important to have very low blank values and to exclude contributions from other isotopic species of ions with the same minimal mass. Application received by Commissioner of Customs: February 24, 1976.

Docket number: 76-00305. Applicant: University of Houston, Facilities Planning & Construction, 4311 Elgin Street, Houston, Texas 77004. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for advanced research in the anatomy of the visual system, including the retina, ocular adnexa, optic nerves, optic tracts, and visual centers in the brain, and in other life sciences studies. Other studies will be carried out on the effects of ultraviolet radiant energy on the cornea and the lens. The critical phase of energy versus morphological cellular changes induced by the energy will be determined. Application received by Commissioner of Customs: February 24, 1976.

Docket number: 76-00306. Applicant: University of California, Los Angeles—The Regents of the University of California, 405 Hilgard Avenue, Los Angeles, California 90024. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for investigative and educational purposes which will include the following:

(a) Study of neural circuitry in the vertebrate retina.

(b) Examination of the normal anatomy and pathology of cellular and subcellular structures which constitute barriers to the passage of macromolecules from blood to retina, blood to aqueous humor, and aqueous humor to blood.

(c) Studies of normal structure and pathological change at the zone where the retina and vitreous body meet, and

(d) Studies of the retinal photoreceptor cells. The article will also be used in the training of a substantial number of postdoctoral fellows in research on the eye and vision. Graduate students in the Department of Anatomy and Biology will use the article in the completion of their thesis studies. Application received by Commissioner of Customs: February 24, 1976.

Docket number: 76-00307. Applicant: The University of Texas Health Science Center at Houston, Department of Pathology, Post Office Box 20708, Houston,

Texas 77025. Article: Electron Microscope, Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used to study a variety of different tissues from various mammalian species including such tissues as kidney, liver, skin, central nervous system, lymph node, skeletal muscle and lung. Experiments to be conducted include the study of the ultrastructural manifestations of renal disease in the human being and the study of ultramanifestations of toxic lung disease induced by a variety of toxic agents in experimental animals. The article will also be used as support of medical student preceptorships, in medical student research projects or elective courses in pathology. Application received by Commissioner of Customs: February 24, 1976.

Docket number: 76-00308. Applicant: South Miami Hospital, 7400 S.W. 62 Avenue, South Miami, Florida 33143. Article: EMI Scanner System. Manufacturer: EMI Ltd., United Kingdom. Intended use of article: The article is intended to be used in an investigation of diagnosis of brain pathology from conventional invasive techniques compared with those made by non-invasive computerized scanning. This research has the following objectives:

(1) To determine the circumstances under which computerized scanning can replace conventional techniques with equal or better diagnostic results.

(2) To determine the circumstances under which computerized scanning can effectively act as a screening procedure for conventional techniques.

(3) To identify information available from computerized scanning not available from conventional sources, or available in a manner that would make the system more desirable. Application received by Commissioner of Customs: February 24, 1976.

Docket number: 76-00309. Applicant: U.S. Geological Survey, Hawaiian Volcano Observatory, Hawaii National Park, Hawaii 96718. Article: VLF Electromagnetic Unit EM16, and (Attachment) Direct Reading Ground Resistivity Meter EM16R. Manufacturer: Geonics Ltd., Canada. Intended use of article: The article is intended to be used for monitoring of molten rock movement in order to predict pending eruptions of volcanoes. Experiments to be conducted will include:

(a) Location and delineation of ponded molten lava bodies to be used as possible sources of thermal energy for generating electrical power.

(b) Detection of the subterranean flow path of molten lava in order to assess the possible threat of lava breakouts in populated areas.

(c) Detection of hidden pools or tubes of lava within recent lava flows where they have covered existing roads prior to any attempt to reopen road. Application received by Commissioner of Customs: February 24, 1976.

Docket number: 76-00310. Applicant: University of Michigan, Naval Architec-

ture, 126 West Engineering Building, 550 East University, Ann Arbor, Michigan 48109. Article: Model Propulsion Dynamometer, R25 and accessories. Manufacturer: Kempf and Remmer, West Germany. Intended use of article: The article is intended to be used for propelling model ships to measure horsepower and speed. The article is also to be used for student laboratory classes to teach students how ship model and propeller tests are carried out and how full scale performance can be predicted from model tests. Application received by Commissioner of Customs: February 24, 1976.

Docket number: 76-00311. Applicant: The University of Tennessee, Audiology & Speech Pathology, 457 South Stadium, Knoxville, TN 37916. Article: Auditory Training Unit, Suvag II, and accessories. Manufacturer: Service Europeen De Diffusion Des Inventions S.A., France. Intended use of article: The article is intended to be used for investigation of therapy and improved perception of hearing impaired children and adults during daily training. Application received by Commissioner of Customs: February 24, 1976.

Docket number: 76-00312. Applicant: University of Rochester, Department of Obstetrics & Gynecology, Strong Memorial Hospital, 601 Elmwood Avenue, Rochester, New York 14642. Article: Leisegang stereo camera colposcope Model IIB, and Teaching Tube accessory. Manufacturer: Leisegang KG, West Germany. Intended use of article: The article is intended to be used for studies of cancer of the cervix and vagina by providing earlier diagnosis by directed biopsy thereby reducing the need for conization and hospitalization. In addition, the article will be used for teaching of medical students in Gyn Oncology. Application received by Commissioner of Customs: February 24, 1976.

Docket number: 76-00313. Applicant: University of California, Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, California 94720. Article: UV Photon Source, Model 22-101, Model 22-101A UV Lamp, Power Supply, and Cable. Manufacturer: VG Scientific Ltd., United Kingdom. Intended use of article: The article is intended to be used in conjunction with an electron spectrometer for studies of chemisorption and heterogeneous catalysis on metal surfaces. Application received by Commissioner of Customs: February 24, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPEL,
Director,

Special Import Programs Division.

[FR Doc.76-7751 Filed 3-17-76; 8:45 am]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Meeting

A meeting of the Department of Commerce Technical Advisory Board will be held on Wednesday, April 21, 1976, from

9:00 a.m. to 5:00 p.m. and Thursday, April 22, 1976, from 8:30 a.m. to 12:00 noon, in Room 6802 of the Main Commerce Building, 14th & E Sts., N.W., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. The agenda for the meeting is as follows:

WEDNESDAY, APRIL 21, 1976

- 9:00—Opening Remarks by Assistant Secretary Betsy Ancker-Johnson.
- 9:30—Stimulation of American Technological Innovation.
- 11:00—Current U.S. Energy Outlook.
- 12:00—Lunch.
- 1:00—Regulatory Reform.
- 2:00—Technology Transfer with Lesser Developed Countries.
- 3:00—Review of Principal Issues with Secretary of Commerce, Elliot Richardson.
- 4:00—"Institution for Scientific Judgment" Experiment.
- 4:30—Program Panel on Commercialization of Federally Funded R. D. & D.
- 5:00—Adjournment.

THURSDAY, APRIL 22, 1976

- 8:30—Update on Sulfur Oxides Control Legislation and New Developments.
- 11:00—New Business.
- 12:00—Adjournment.

Practical consideration may dictate alterations in the above agenda or

schedule. The Chairman is empowered to conduct the meeting in a manner that in her judgment will facilitate the orderly conduct of business.

A limited number of seats will be made available to the public and the press on a first-come, first-served basis.

The public may submit written statements or inquiries on agenda items with the Chairman before or after the meeting. Comments shall be directly relevant to the above agenda items. Questions at the meeting may be propounded only by members of CTAB, DoC officials, and invited participants.

Copies of minutes and handouts will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Department of Commerce, Central Reference and Inspection Facility, Washington, D.C. 20230.

Persons desiring to obtain further information concerning CTAB should contact Mr. William C. Holt, Executive Director of CTAB, Room 3877, U.S. Department of Commerce, Washington, D.C. 20230; Telephone (202) 967-2394, or after April 2 (202) 377-2394.

BETSY ANCKER-JOHNSON,
Assistant Secretary for
Science and Technology.

MARCH 15, 1976.

[FR Doc.76-7814 Filed 3-17-76; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. D)). The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Panel on Review of General and Plastic Surgery Devices.	Apr. 1, 8 a.m., Room 4131, HEW-N, 339 Independence Ave. SW., Washington, D.C.	Open public hearing 8 a.m. to 2 p.m.; open committee discussion 2 to 3:30 p.m.; Mark F. Parrish, Ph. D. (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7438.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Presentations will be made by the following: Norman Rosenberg, M.D.—Safety and efficacy of biological arterial grafts; Gilbert D. Huehner, M.D. (Surgikos—Johnson & Johnson) requirements for biological arterial grafts; Alan G. Furler (NDM Corp.)—performance parameters and safety of dispersive plates for electrosurgical units.

Open committee discussion. David A. Segerson and Peter B. Carstensen, Division of Medical Device Standards and Research, will discuss the current status of baseline standards for electrical safety, environmental performance, and electromagnetic interference. The panel will then classify ear piercing devices.

Committee name	Date, time, and place	Type of meeting and contact person
2. Panel on Review of Miscellaneous External Drug Products.	Apr. 2 and 3 (9 a.m. on Apr. 2), Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Apr. 2, 9 to 10 a.m.; closed committee deliberations Apr. 2, 10 a.m. to 4:30 p.m.; Apr. 3, 9 a.m. to 4:30 p.m.; Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases portions of pending or approved new drug applications (NDA's). Also,

discussions relating to labeling, drug class standards, and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
3. Panel on Review of Dental Devices.	Apr. 5 and 6, 9 a.m., Room 3173, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Open public hearing Apr. 5, 9 a.m. to 4:30 p.m.; open committee discussion Apr. 6, 9 a.m. to 4 p.m.; D. Gregory Singleton, D.D.S. (HFK-400), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7338.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of pit and fissure sealants and oral implants listed in this announcement to D. Gregory Singleton, D.D.S., Executive Secretary. Submission of data relative to tentative classification findings is also

invited. Discussion will be held concerning data on safety and efficacy of pit and fissure sealants and formation of an oral implant subcommittee. Presentation will also be made of results of clinical use of oral implants.

Open committee discussion. Specific labeling requirements and parameters for standardization of various dental devices will be discussed. The panel will review data concerning potential risks associated with ultraviolet radiation as used in dentistry.

Committee name	Date, time, and place	Type of meeting and contact person
4. Subcommittee of the Panel on Review of Viral Vaccines and Rickettsial Vaccines.	Apr. 5, 8:30 a.m., Room 121, National Institutes of Health, Building 29, 8800 Rockville Pike, Bethesda, Md.	Open public hearing 8:30 to 9:30 a.m.; open committee discussion 9:30 a.m. to 5 p.m.; Jack Gertzog (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-4545.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. Presentation and discussion of previous meeting's minutes; review and discussion of communications received; comments and presentations by interested persons on issues pending before the committee.

Open committee discussion. Review of clinical data regarding effectiveness of Hepatitis B immune globulin.

Committee name	Date, time, and place	Type of meeting and contact person
5. Panel on Review of Neurological Devices.	Apr. 8 and 9, 9 a.m., San Francisco Hilton Hotel, San Francisco, Calif.	Open public hearing Apr. 8, 9 to 10 a.m.; open committee discussion Apr. 8, 10 a.m. to 4 p.m.; Apr. 9, 9 a.m. to 4 p.m.; James R. Veale (HFK-450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7236.

General function of the committee. Reviews and evaluates available data concerning the safety and efficacy of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of neurological devices listed in this announcement to James R. Veale, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. The panel will classify spinal analysis devices and spinal therapy devices in the meeting during the morning of April 8, 1976. Presentations on the safety and efficacy of cerebellar stimulation will be heard during the afternoon of April 8, 1976. On April 9, 1976, the panel will review the safety and efficacy data to determine if premarket approval is an appropriate classification for cerebellar stimulation.

NOTICES

Committee name	Date, time, and place	Type of meeting and contact person
6. Panel on Review of Internal Analgesic Including Antirheumatic Drugs.	Apr. 8 and 9 (9 a.m. on Apr. 9), Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations Apr. 8, 9 a.m. to 4:30 p.m.; open public hearing Apr. 9, 9 to 10 a.m. closed committee deliberations Apr. 9, 10 a.m. to 4:30 p.m.; Lee Gelsmar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20853, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards, and testing will often be intermixed with

discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying draft sections of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
7. Panel on Review of Ophthalmic Drugs.	Apr. 9 and 10 (9 a.m. on Apr. 9), Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Apr. 9, 9 to 10 a.m.; closed committee deliberations Apr. 9, 10 a.m. to 4:30 p.m.; Apr. 10, 9 a.m. to 4:30 p.m.; John T. McElroy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20853, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards, and testing will often be intermixed with

discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying draft sections of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
8. Panel on Review of Miscellaneous Internal Drug Products.	Apr. 11 and 12 (9 a.m. on Apr. 12), Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations Apr. 11, 9 a.m. to 4:30 p.m.; open public hearing Apr. 12, 9 to 10 a.m.; closed committee deliberations Apr. 12, 10 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20853, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call

for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas, sales data, and a portion of approved new drug applications (NDA's).

This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
9. Radiopharmaceutical Advisory Committee	Apr. 15 and 16 (9 a.m. on Apr. 15), Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Apr. 15, 9 to 10 a.m.; open committee discussion Apr. 15, 10 a.m. to 12:30 p.m.; closed committee deliberations Apr. 15, 1:30 to 5 p.m.; Apr. 16, 8:30 a.m. to 1 p.m.; C. H. Maxwell, M.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20852, 301-442-5197.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of nuclear medicine.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the drug problem reporting program; guidelines for the clinical evaluation of radiopharmaceutical drug products; spe-

cial consideration for therapeutic products; report on the Bureau of Radiological Health task force on short-lived radionuclides; radiation doses in pediatric nuclear medicine; and report of the subcommittee on nuclear pharmacy.

Closed committee deliberations. Discussion of the items shown in open committee discussion. This portion of the meeting will be closed in order to permit discussion of trade secret data and to protect the free exchange of internal views and to avoid undue interference with agency and committee operations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
10. Hematology Subcommittee of the Diagnostic Products Advisory Committee.	Apr. 19 and 20, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Apr. 19, 9 to 10 a.m.; open committee discussion Apr. 19, 10 a.m. to 5 p.m.; Apr. 20, 9 a.m. to 5 p.m.; Alfred Bracey (HFK-200), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7175.

General function of the committee. Reviews and evaluates available data concerning the safety and efficacy of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of hematological in vitro diagnostic products listed in this announcement to Dr. Vadlamudi, head of classification. In-

formation pertaining to portions of the agenda not related to classification may be presented to Mr. Alfred Bracey, Executive Secretary.

Open committee discussion. The subcommittee will classify hematological in vitro diagnostic products, specifically (1) blood cell stains, (2) hemoglobin determination, (3) erythrocyte enzymes determination, and (4) abnormal hemoglobin determination.

Committee name	Date, time, and place	Type of meeting and contact person
11. Anti-Infective Agents Advisory Committee.	Apr. 19 and 20, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Apr. 19, 9 to 10:30 a.m.; open committee discussion Apr. 19, 10:30 to 11:30 a.m.; closed committee deliberations Apr. 19, 11:30 a.m. to 4:30 p.m.; open committee discussion Apr. 20, 9 a.m. to 12 m.; open public hearing Apr. 20, 1:30 to 2:30 p.m.; open committee discussion Apr. 20, 2:30 to 3:30 p.m.; closed committee deliberations Apr. 20, 3:30 to 4:30 p.m.; Mary K. Bruch (HFD-140), 5600 Fishers Lane, Rockville, Md. 20852, 301-442-4310.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in infectious diseases.

Agenda—Open public hearing/open committee discussion. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Discussion of the safe use of tetracycline pediatric drugs and review of guidelines for infectious disease studies; and review of Amikacin.

Closed committee deliberations. Review of Ara-A as an antiviral drug and other investigational antiviral drugs by Dr. Jose Canchola, Division of Anti-Infective Drug Products. Discussion of agenda items shown in the open session. This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and to avoid undue interference with agency operations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
12. Immunology Subcommittee of the Diagnostic Products Advisory Committee.	Apr. 22 and 23, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Apr. 22, 9 to 10 a.m.; open committee discussion Apr. 22, 10 a.m. to 5 p.m.; Apr. 23, 9 a.m. to 5 p.m.; Joseph L. Hackett, Ph.D. (HFK-200), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7187.

General function of the committee. Reviews and evaluates available data concerning the safety and efficacy of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of products listed in this announcement to S. K. Vadlamudi, Ph.D., D.V.M., head of classification. Submission of data relative to tentative classification findings is also invited. Inquiries or information pertaining to other portions of the agenda should be addressed to Joseph L. Hackett, Ph.D., Executive Secretary.

Open committee discussion. The subcommittee will discuss the classification of in vitro immunology diagnostic products. It will also classify products which measure Leutenizing Hormones, Human Placental Lactogen-Human Chorionic Somatomotropin (HPL-HCS), Thyroglobin, Fraction IV-5, alpha Fetoprotein and human antigens and controls. After the completion of classification, the subcommittee will consider products tentatively classified as requiring product class standards, set up product class priorities, and discuss approaches and criteria for development of product class standards.

Committee name	Date, time, and place	Type of meeting and contact person
13. Pulmonary-Allergy and Clinical Immunology Advisory Committee.	Apr. 22 and 23, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion Apr. 22, 9 a.m. to 12 m.; open public hearing Apr. 22, 1 to 2 p.m.; closed committee deliberations Apr. 22, 2 to 4 p.m.; open committee discussion Apr. 23, 9 to 11 a.m.; closed committee deliberations Apr. 23, 11 a.m. to adjournment; Gerald M. Rachanow (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms.

Agenda—Open public hearing. During this portion of the meeting any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the bronchodilator clinical testing guidelines; and discussion of the immunologic aspects of cromolyn sodium administration.

Closed committee deliberations. Discussion of the Bronchodilator Clinical Testing Guidelines, immunologic aspects of cromolyn sodium administration, and IND 12,084. This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
14. Controlled Substances Advisory Committee.	Apr. 22 and 23, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Apr. 22, 9 to 10 a.m.; open committee discussion Apr. 22, 10 a.m. to 2 p.m.; closed presentation of data Apr. 22, 2 to 3 p.m.; open committee discussion Apr. 22, 3 to 4 p.m.; Apr. 23, 9 to 11 a.m.; closed committee deliberations Apr. 23, 11 a.m. to 4 p.m.; J. Stephen Kennedy, Ph. D. (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3504.

General function of the committee. Advises the Commissioner regarding the scientific and medical evaluation of all information gathered by the Department of Justice and the Department of Health, Education, and Welfare with regard to safety, effectiveness, and abuse potential of drugs or other substances classified as stimulants, sedatives, hypnotics, or analgesics, and recommends actions to be taken with regard to control of such substances.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of dextropropoxyphene, lorazepam, nefopam, loperamide, and propiram; criteria for decisionmaking in drug control; report on actions on previous recommendations.

Closed presentation of data. Presentation by sponsor on NDA 17-568. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552(b) (4)).

Closed committee deliberations. Discussion of items in open session above. Report on actions on previous recommendations. This portion of the meeting will be closed to protect the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b) (5)).

Committee name	Date, time, and place	Type of meeting and contact person
15. Panel on Review of Contraceptives and Other Vaginal Drug Products.	Apr. 23 and 24, (9 a.m. on Apr. 23), Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Apr. 23, 9 to 10 a.m.; closed committee deliberations Apr. 23, 10 a.m. to 4:30 p.m.; Apr. 24, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluations available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data and in some cases portions of pending or approved new drug applications (NDA's). Also, dis-

cussions relating to labeling, drug class standards and testing will often be intermixed with discussion for formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
16. Panel on Review of Antimicrobial Agents.	Apr. 23, 24, and 25 (9 a.m. on Apr. 23), Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Apr. 23, 9 to 10 a.m.; closed committee deliberations Apr. 23, 10 a.m. to 4:30 p.m., Apr. 24 and 25, 9 a.m. to 4:30 p.m.; Armond M. Welch (FHD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4060.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). Discussions relating to labeling, drug class standards and testing will often be intermixed with discussion of formulas, sales data or new drug application (NDA) material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
17. Panel on Review of Allergenic Extracts.	Apr. 23 and 24 (9 a.m. on Apr. 23), Room 131, Building 29, 8800 Rockville Pike, Bethesda, Md.	Open public hearing/open committee discussion Apr. 23, 9 to 10 a.m.; closed committee deliberations Apr. 23, 10 a.m. to 5 p.m., Apr. 24, 8:30 a.m. to adjournment; Clay Sisk (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-406-4345.

General function of the committee. Review and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing/open committee discussion. Discussion of previous meeting minutes. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Review of data submissions from allergenic extract producers for: (1) pollen extracts; (2) food extracts; and (3) epidermal extracts. This portion of the meeting will be closed to permit discussion of trade secret data and to allow for the free exchange of internal views and formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
18. Joint Meeting of the Clinical Chemistry and Statistics Subcommittees of the Diagnostic Products Advisory Committee.	Apr. 26 and 27, 9 a.m., Room 1409, FB-8, Washington, D.C.	Open public hearing Apr. 26, 9 to 10 a.m.; closed committee deliberations Apr. 26, 10 a.m. to 5 p.m.; open public hearing Apr. 27, 9 to 10 a.m.; closed committee deliberations Apr. 27, 10 a.m. to 5 p.m.; Henry T. Lee, Jr., Charles S. Furfine, Ph. D. (HFK-200), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7175.

General function of the committee. Reviews and evaluates available data concerning the safety and efficacy of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the agenda listed in this announcement. Those desiring to make formal presentations should notify Dr. Charles S. Furfine, Ex-

ecutive Secretary, in writing at the above address by April 16, 1976.

Closed committee deliberations. Discussion of a draft for a proposed product class standard for the quantitative measurement of glucose in serum and plasma. This portion of the meeting will be closed to permit the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
19. Psychopharmacological Agents Advisory Committee.	Apr. 29, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 12:30 p.m.; closed committee deliberations 1:30 to 4:30 p.m.; Stephen C. Graft (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3800.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

Agenda—Open public hearing/open committee discussion. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Discussion of NDA 17-543 (Lu-

diomil CIBA-GEIGY) and NDA 17-415 (Prazepam Warner-Lambert).

Closed committee deliberations. Discussion and formulation of recommendations for NDA 17-543 and NDA 17-415. This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
20. Panel on Review of Hemorrhoidal Drug Products.	Apr. 30 and May 1 (9 a.m. on Apr. 30), Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Apr. 30, 9 to 10 a.m.; closed committee deliberations Apr. 30, 10 a.m. to 4:30 p.m., May 1, 9 a.m. to 4:30 p.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20853, 301-443-4900.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards, and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying draft five of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate

portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter

is exempt from public disclosure under 5 U.S.C. 552(b)(4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda, or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: March 11, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76-7572 Filed 3-17-76; 8:45 am]

[Docket No. 76N-0077]

ORLANDO PLASMA CORP.

Revocation of Establishment and Product Licenses to Manufacture Source Plasma (Human)

Notice is hereby given that on December 18, 1975, the Food and Drug Administration revoked U.S. License No. 538, the establishment and product licenses for manufacture of Source Plasma (Human) issued to Orlando Plasma Corp., 132 S. Magnolia Ave., Orlando, FL.

Pursuant to section 351(d) of the Public Health Service Act (42 U.S.C. 262(d)), and the authority delegated to

the Commissioner of Food and Drugs under § 2.120(a)(5) (21 CFR 2.120(a)(5)), U.S. License No. 538 was revoked as a result of the establishment's failure to comply with the standards prescribed in the biologics regulations designed to protect plasma donors and assure continued safety, purity, potency, and effectiveness of Source Plasma (Human). Specific violations of the regulations included failure to discontinue plasmapheresis of some donors whose plasma was intended for fractionated injectable products and who had previously tested positive for hepatitis B surface antigen, as required by § 610.41 (21 CFR 610.41); failure to assure performance of tests for hepatitis B surface antigen by methods recommended by the manufacturer of the antibody product, as required in § 610.40(a) (21 CFR 610.40(a)); and failure to complete all laboratory tests before shipment of units of Source Plasma (Human), as required in § 610.1 (21 CFR 610.1).

Pursuant to § 601.4 (21 CFR 601.4), the Commissioner notified Orlando Plasma Corp. of his intention to revoke U.S. License No. 538, the reasons and facts that appeared to warrant such action, and offered an opportunity for a hearing on the proposed revocation. The establishment waived the opportunity for a hearing, and the Commissioner revoked U.S. License No. 538, for the manufacture of Source Plasma (Human). This notice of revocation is published pursuant to § 601.43 (21 CFR 601.43).

Dated: March 12, 1976.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc.76-7697 Filed 3-17-76; 8:45 am]

[Docket No. 76N-0076]

PLASMA CORP. OF CLEARWATER

Revocation of Establishment and Product Licenses to Manufacture Source Plasma (Human)

Notice is hereby given that on December 18, 1975, the Food and Drug Administration revoked U.S. License No. 551, the establishment and product licenses for manufacture of Source Plasma (Human) issued to Plasma Corp. of Clearwater, 534 Clearwater St., Clearwater, FL.

Pursuant to section 351(d) of the Public Health Service Act (42 U.S.C. 262(d)) and the authority delegated to the Commissioner of Food and Drugs under § 2.120(a)(5) (21 CFR 2.120(a)(5)), U.S. License No. 551 was revoked as a result of the establishment's failure to comply with (1) the standards prescribed in the biologics regulations designed to protect plasma donors and assure continued safety, purity, potency, and effectiveness of Source Plasma (Human), and (2) good manufacturing practice. Specific violations of the regulations included lack of responsibility on the part of the licensee to assure reliability of testing performed for hepa-

titis B surface antigen by an outside clinical laboratory, as required by §§ 640.69(f) (21 CFR 640.69(f)) and 211.58(f) (21 CFR 211.58(f)).

Pursuant to § 601.4 (21 CFR 601.4), the Commissioner notified Plasma Corp. of Clearwater of his intention to revoke U.S. License No. 551, the reasons and facts which appeared to warrant such action, and offered an opportunity for a hearing on the proposed revocation. The establishment waived the opportunity for a hearing, and the Commissioner revoked U.S. License No. 551, for the manufacture of Source Plasma (Human). This notice of revocation is published pursuant to § 601.43 (21 CFR 601.43).

Dated: March 12, 1976.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc.76-7696 Filed 3-17-76; 8:45 am]

Health Services Administration MIGRANT HEALTH CENTERS

Delegation of Authority

Notice is hereby given that the following delegations have been made under Section 401(c) of Public Law 94-63, providing for a study of housing of agricultural migratory workers:

1. Delegation from the Secretary to the Assistant Secretary for Health, with authority to redelegate, of all authorities vested in the Secretary of Health, Education, and Welfare by Section 401(c), Public Law 94-63, with the exception of authority to submit the required report to the specified Congressional Committees.

2. Delegation from the Assistant Secretary for Health to the Administrator, Health Services Administration, with authority to redelegate, of all authorities under Section 401(c) of Public Law 94-63 delegated to the Assistant Secretary for Health.

The above delegations were effective on March 1, 1976.

Dated: March 9, 1976.

JOHN OTTINA,
Assistant Secretary for
Administration and Management.

[FR Doc.76-7778 Filed 3-17-76; 8:45 am]

MIGRANT HEALTH CENTERS

Delegation of Authority

Notice is hereby given that the following delegations have been made under Section 319 of the Public Health Service Act, as amended by Section 401(a) of Public Law 94-63, providing for Migrant Health Centers:

1. Delegation from the Secretary to the Assistant Secretary for Health, with the authority to redelegate, of all authorities vested in the Secretary of Health, Education, and Welfare by Section 319 of the Public Health Service Act with the exception of authority to issue regulations.

2. Delegation from the Assistant Secretary for Health to the Regional Health Administrators, with authority to redelegate, of authority under Section 319 of the Public Health Service Act for grants and for service and technical assistance contracts within their respective regions other than for grants and service and technical assistance contracts that are national or multi-regional in scope.

3. Delegation from the Assistant Secretary for Health to the Administrator, Health Services Administration, with authority to redelegate, of all authorities under Section 319 of the Public Health Service Act except those specifically re-delegated to the Regional Health Administrators.

Previous redelegations of authority under Section 319 (or the predecessor Section 310) which were in effect within the Health Services Administration and the PHS Regional Offices on the date of signature of this delegation and not inconsistent with this delegation shall continue in effect for no more than 90 days from the signatory date of this delegation. Previous inconsistent redelegations are rescinded.

The above delegations were effective on March 1, 1976.

Dated: March 9, 1976.

THOMAS S. MCFEE,
Acting Assistant Secretary for
Administration and Management.

[FR Doc.76-7779 Filed 3-17-76; 8:45 am]

Office of Education

ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the Advisory Council on Financial Aid to Students will be held on April 12 and 13, 1976, from 9:00 a.m. to 5:00 p.m. at the Sahara Tahoe in Stateline, Nevada 89449.

The Advisory Council on Financial Aid to Students is established under Section 499(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1089). The Committee shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to financial assistance to students and on the evaluation of the effectiveness of these programs.

The meeting of the Committee shall be open to the public. The proposed agenda includes:

1. Final consideration of position papers submitted by Council members pertaining to various aspects of the Federal role in financial aid to postsecondary students.
2. Consideration of new papers, as time permits.
3. Final draft of *Second Annual Report*.

Records shall be kept of all Committee Proceedings and shall be available for public inspection at the Council's Office located in Room 4931, Regional Office

Building #3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed in Washington, D.C. on March 8, 1976.

WARREN T. TROUTMAN,
Office of Education Delegate.

[FR Doc.76-7672 Filed 3-17-76;8:45 am]

STATE STUDENT INCENTIVE GRANT PROGRAM

Closing Date for Receipt of State Applications

Notice is hereby given that pursuant to the authority contained in Section 415 C of the Higher Education Act of 1965, as amended (20 U.S.C. 1070c-2), applications are being accepted from the 50 States, the District of Columbia, and outlying areas for initial and/or continuing grants under the State Student Incentive Grant Program (Title IV-A, HEA, 20 U.S.C. 1070c-1070c-3).

Applications must be received by the U.S. Office of Education, State Student Incentive Grant Program, on or before April 1, 1976.

A. *Application sent by mail.* An application sent by mail should be addressed as follows: Dr. Richard L. McVity, Director, State Student Incentive Grant Program (SSIGP), Bureau of Postsecondary Education, U.S. Office of Education, Regional Office Building #3, Room 4669, Washington, D.C. 20202. An application sent by mail will be considered to be received on time by the State Student Incentive Grant Program if:

(1) The application was sent by registered or certified mail not later than March 26, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education, State Student Incentive Grant Program, Room 4669, Regional Office Building No. 3, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the State Student Incentive Grant Program, Bureau of Postsecondary Education, Office of Education, Room 4669, 7th and D Streets, S.W., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100b) published in the FEDERAL REGISTER on November 6, 1973 at page 30654 and State Student Incentive Grant Program Regulations (45 CFR 192) published in the FEDERAL REGISTER on May 31, 1974 at page 19213, the amendments thereto published on April 23, 1975 at page 178844, and the special Application and Allotment Procedures which are published in this issue of the FEDERAL REGISTER.

(20 U.S.C. 1070c-1070c-3.)

(Catalog of Federal Domestic Assistance Number 13.548; State Student Incentive Grant Program)

T. H. BELL,

U.S. Commissioner of Education.

JANUARY 22, 1976.

[FR Doc.76-7775 Filed 3-17-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Council on Adult Education will be held on April 2, 1976, from 12 noon to 5 p.m., at the Council office, 425 13th St. N.W., Suite 323, Washington, D.C. 20004.

The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general rules and regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public; however, because of limited space in the Council conference room, interested persons wanting to attend must contact, in writing, the Executive Director.

The proposed agenda includes:

May Meeting Topics
1976-1977 Council Budget
Congressional Testimony

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylv-

vania Bldg., 425 13th Street, N.W., Washington, D.C. 20004).

Signed at Washington, D.C. on March 16, 1976.

GARY A. EYRE,
Executive Director, National
Advisory Council on Adult
Education.

[FR Doc.76-7904 Filed 3-18-76;8:45 am]

Office of the Secretary

PRESIDENT'S COMMISSION ON OLYMPIC SPORTS

Meeting

Notice is hereby given, pursuant to P.L. 92-463, that the President's Commission on Olympic Sports, established by the President in Executive Order No. 11868 dated June 19, 1975, amended by Executive Order No. 11873 dated July 21, 1975, will meet on Thursday, April 8, 1976, at 1 p.m. and Friday and Saturday, April 9 and 10, 1976, at 9 a.m. at the Palmer House in Chicago, Illinois. The Commission will consider matters pertaining to its study of Olympic sports problems and will hear testimony from several individuals who are familiar with these problems.

The meeting is open to the public.

Further information on the Commission may be obtained from Mr. Michael T. Harrigan, Executive Director, President's Commission on Olympic Sports, Room 3002, 2025 M Street, NW., Washington, D.C. 20506, telephone (202) 254-8410.

Dated: March 11, 1976.

MICHAEL T. HARRIGAN,
Executive Director.

[FR Doc.76-7776 Filed 3-17-76;8:45 am]

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and activities of the Department of Health, Education, and Welfare relative to women and to make recommendations to the Secretary on how to better the services of HEW's programs to meet these special needs of women, will meet on Tuesday, and Wednesday, April 6-7, 1976, from 9:00 a.m. to 5:00 p.m. each day in Room 4131, HEW-North Building, 330 Independence Avenue, S.W., Washington, D.C. The agenda includes a review of the 1976 scopes of work and the present status of the Advisory Committee in the Department.

Interested persons wishing to address the Committee, should contact the Executive Secretary by COB Monday, March 29. Phone: 202-245-8454. Written statements received by March 29 will be du-

plated and distributed to the members. Members of the public are invited to attend the meeting.

Dated: March 10, 1976.

SANDRA S. KRAMER,
Acting Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.76-7777 Filed 3-17-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-031]

MOBILE OFFSHORE UNIT WORK GROUP NATIONAL OFFSHORE OPERATIONS IN- DUSTRY ADVISORY COMMITTEE

Meeting

The Mobile Offshore Unit Work Group of the National Offshore Operations Industry Advisory Committee will conduct an open meeting on April 7-8, 1976, in room 125, Hale Boggs Federal Office Building, 500 Camp St., New Orleans, Louisiana. The meeting is scheduled to begin at 9:00 a.m.

The agenda for this meeting of the Mobile Offshore Work Group is as follows:

- (1) Licenses and Seamen's Certificates for Operation of Mobile Offshore Units.
- (2) Operations of Mobile Offshore Units.

(3) Other appropriate matters that may be brought before the work group. The Coast Guard National Offshore Operations Industry Advisory Committee was established to provide advice and consultation to the Marine Safety Council with respect to offshore operations and the coastal environment including, but not limited to, offshore oil and mineral exploitation, transmission of energy resources, and support activities.

Members of this committee serve voluntarily without compensation from the Federal Government for either travel or per diem.

Interested persons may obtain a draft of the proposed regulations for agenda item (1), additional information, or the summary of the minutes of the meeting by writing to:

CDR R. F. Ingraham,
CDR R. F. Ingraham, % Commandant
(G-MVP/82), U.S. Coast Guard, Wash-
ington, D.C. 20590.

or by calling 202-426-2240.

This Notice is issued under section 10(a) of the Federal Advisory Committee Act (P.L. 92-463, 86 Stat. 770, 5 U.S.C. App. I).

Dated: March 11, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant
Marine Safety.

[FR Doc.76-7761 Filed 3-17-76;8:45 am]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from January 6, 1976 to February 4, 1976 (List No. 1-76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

BUOYS, LIFE, RING, CORK OR Balsa WOOD, FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 160.009/36/0, 30-inch cork ring life buoy, dwg. No. 5-1-51, Type IV PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective February 2, 1976. (It is an extension of Approval No. 160.009/36/0 dated March 2, 1971.)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE), FOR MERCHANT VESSELS

Approval No. 160.017/16/3, Model 10 PL-S, Type II embarkation-debarkation ladder, chain suspension, steel ears, dwg. dated November 28, 1956, revised April 11, 1966, approval limited to ladders 65 feet or less in length, manufactured by H. K. Metalcraft Manufacturing Corporation, 35 Industrial Road, P.O. Box 275, Lodi, New Jersey 07644, effective January 27, 1976. (It is an extension of Approval No. 160.017/16/3 dated February 1, 1971.)

LINE-THROWING APPLIANCE, SHOULDER GUN TYPE (AND EQUIPMENT), FOR MERCHANT VESSELS

Approval No. 160.031/6/1, Bridger Model No. 7094, shoulder gun type line-

throwing appliance, assembly drawing Nos. NC-3 dated March 11, 1967, revised October 25, 1970, and NC-2 dated January 8, 1968, manufactured by Naval Company, Doylestown, Pennsylvania 18901, effective February 2, 1976. (It is an extension of Approval No. 160.031/6/1 dated March 25, 1971.)

MECHANICAL DISENGAGING APPARATUS LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/51/0, Rottmer type, size 0-1-C2, releasing gear, approved for maximum working load of 18,000 pounds per set (9,000 pounds per hook), identified by assembly drawing No. R-145 dated December 27, 1955, manufactured by Lane Lifeboat Division of Lane Marine Technology Inc., 150 Sullivan Street, Brooklyn, New York 11231, effective February 2, 1976. (It is an extension of Approval No. 160.033/51/0 dated March 1, 1971.)

LIFEBOATS

Approval No. 160.035/468/0, 26.0' x 9.0' x 3.83' fibrous glass reinforced plastic (FRP), Class 1, motor-propelled lifeboat, 48-person capacity, identified by "Drawing List for 26 Foot Open Lifeboat" dated December 21, 1975, and general arrangement drawing WBA-9001, revision A dated October 27, 1975, 46 CFR 160.055-13(c) Marking, Weights: Condition "A" = 4,045 pounds; Condition "B" = 13,017 pounds, manufactured by Lake Shore, Inc., Welin Boat & Davit Division, P.O. Box 809, Iron Mountain, Michigan 49801, effective January 21, 1976. (It supersedes Approval No. 160.035/468/0 dated August 22, 1972 to show revised general arrangement drawing.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/27/0, cloth covered unicellular plastic foam work vest as per U.S.C.G. Specification Subpart 160.053, and dwg. No. 1-CGA and 2-CGA dated November 4, 1970, Type V PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective February 2, 1976. (It is an extension of Approval No. 160.053/27/0 dated March 22, 1971 and change of address of manufacturer.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/50/, Model 62, adult vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055-1A (sheets 1 and 2), Type I PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective February 2, 1976. (It is an extension of Approval No. 160.055/50/0 dated March 2, 1971.)

Approval No. 160.055/51/0, Model 66, child vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055-1A (sheets 1 and 2), Type I PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Ave-

nue, Brooklyn, New York 11201, effective February 2, 1976. (It is an extension of Approval No. 160.055/51/0 dated March 2, 1971.)

MARINE BUOYANT DEVICE

Approval No. 160.064/1003/0, child small, Model No. PWK-100, cloth covered unicellular plastic foam "Infant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, factory location: Highway 10, Sauk Rapids, Minnesota 56301, Type II PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56301, effective January 22, 1976.

Approval No. 160.064/1077/0, 20-inch unicellular plastic foam ring life buoy, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type IV PFD, manufactured by The Massalite Company, Box 214, Winnetka, Illinois 60093, for Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29604, effective January 21, 1976.

PROTECTING COVER FOR LIFEBOATS

Approval No. 160.065/2/0, "MASECO", Type I, protecting cover for the occupants of all types of aluminum, steel and fibrous glass reinforced plastic (FRP) lifeboats, for lengths of 16' through 37' lifeboats, identified by master drawing, dwg. No. PC 85-24 Rev. B dated April 11, 1966, modifications to the cover and supports may be necessary in the case of some motor-propelled lifeboats equipped with vertical (dry) exhaust lines, radio cabins and antenna masts, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective February 2, 1976. (It is an extension of Approval No. 160.065/2/0 dated March 1, 1971.)

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/4/5, sound-powered telephone station relay for operation with hand generator, non-locking, splashproof, dwg. 60-162, alt. 10 dated January 25, 1971, for connecting in parallel with hand generator bell on machinery space sound-powered telephone station to operate separately powered audible signal, manufactured by Henschel Corporation, Amesbury, Massachusetts 01913, effective February 2, 1976. (It is an extension of Approval No. 161.005/4/5 dated March 26, 1971.)

Approval No. 161.005/5/5, sound-powered telephone station relay for operation with hand generator, locking, splashproof, dwg. No. 60-164, alt. 8 dated November 6, 1974, for connecting in parallel with hand generator bell on machinery space sound-powered telephone stations to operate separate powered audible signal, manufactured by Henschel Corporation, Amesbury, Massachusetts 01913, effective February 2, 1976. (It is an extension of Approval No. 161.005/5/5 dated March 26, 1971 and minor change.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/263/0, Crosby style HN-MS-55 nozzle type safety valve, dwg. B-49675 dated January 9, 1976, approved for a maximum pressure of 1200 p.s.i.g. at 650° F., inlet sizes 1½", 2", 2½", 3", and 4", added name plate detail to drawing; revised spring cover from cast malleable iron to perforated sheet steel; revised flange reference from ASA to ANSI standard, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective February 4, 1976. (It is an extension of Approval No. 162.001/263/0 dated March 9, 1971.)

Approval No. 162.001/264/0, Crosby style HN-MS-56 nozzle type safety valve, dwg. B-49675 dated January 9, 1976, approved for a maximum pressure of 1200 p.s.i.g. at 750° F., inlet sizes 1½", 2", 2½", 3", and 4", added name plate detail to drawing; revised spring cover from cast malleable iron to perforated sheet steel; revised flange reference from ASA to ANSI standard, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective February 4, 1976. (It is an extension of Approval No. 162.001/264/0 dated March 9, 1971.)

Approval No. 162.001/265/0, Crosby style HN-MS-65 nozzle type safety valve, dwg. B-49675 dated January 9, 1976, approved for a maximum pressure of 1500 p.s.i.g. at 650° F., inlet sizes 1½", 2", 2½", and 3", added name plate detail to drawing; revised spring cover from cast malleable iron to perforated sheet steel; revised flange reference from ASA to ANSI standard, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective February 4, 1976. (It is an extension of Approval No. 162.001/265/0 dated March 9, 1971.)

Approval No. 162.001/266/0, Crosby style HN-MS-66 nozzle type safety valve, dwg. B-49675 dated January 9, 1976, approved for maximum pressure of 1500 p.s.i.g. at 750° F., inlet sizes 1½", 2", 2½", and 3", added name plate detail to drawing; revised spring cover from cast malleable iron to perforated sheet steel; revised flange reference from ASA to ANSI standard, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective February 4, 1976. (It is an extension of Approval No. 162.001/266/0 dated March 9, 1971.)

Approval No. 162.001/268/0, Crosby style HN-MS-66-9 nozzle type safety relief valve, dwg. B-49675 dated January 9, 1976, approved for a maximum pressure of 1200 p.s.i.g. at 750° F., inlet size 3", added name plate detail to drawing; revised spring cover from cast malleable iron to perforated sheet steel; revised flange reference from ASA to ANSI standard, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective February 4, 1976. (It is an extension of Approval No. 162.001/268/0 dated March 9, 1971.)

Approval No. 162.001/269/0, Crosby style HN-MS-55-9 nozzle type safety relief valve, dwg. B-49675 January 9, 1976, approved for a maximum pressure

of 1200 p.s.i.g. at 650° F., inlet sizes 3" and 4", added name plate detail to drawing; revised spring cover from cast malleable iron to perforated sheet steel; revised flange reference from ASA to ANSI standard, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective February 4, 1976. (It is an extension of Approval No. 162.001/269/0 dated March 9, 1971.)

Approval No. 162.001/270/0, Crosby style HN-MS-56-9 nozzle type safety relief valve, dwg. B-49675 dated January 9, 1976, approved for a maximum pressure of 1200 p.s.i.g. at 750° F., inlet sizes 3" and 4", added name plate detail to drawing; revised spring cover from cast malleable iron to perforated sheet steel; revised flange reference from ASA to ANSI standard, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective February 4, 1976. (It is an extension of Approval No. 162.001/270/0 dated March 9, 1971.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/90/0, Insul-Coustic SeeGee Adhesive I-C 292 composition type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2131:FR3666 dated February 24, 1966, and Insul-Coustic letter dated January 14, 1966, manufactured by Insul-Coustic Division, Birma Production Corporation, Jernee Mill Road, Sayreville, New Jersey 08872, effective January 6, 1976. (It is an extension of Approval No. 164.009/90/0 dated February 25, 1971.)

Approval No. 164.009/91/0, Insul-Coustic SeeGee Coating I-C 596 composition type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2131:FR3666 dated February 24, 1966, and Insul-Coustic letter dated January 14, 1966, manufactured by Insul-Coustic Division, Birma Production Corporation, Jernee Mill Road, Sayreville, New Jersey 08872, effective January 6, 1976. (It is an extension of Approval No. 164.009/91/0 dated February 25, 1971.)

INTERIOR FINISHES FOR MERCHANT VESSELS

Approval No. 164.012/1/0, "NEVA-MAR" laminated plastic interior finish, Type HR-6, 1/16" identical to that described in Benjay Fibers and Laminates Company letter dated October 14, 1971 and Underwriters' Laboratories Reference R-4642, 71NK2184 issued April 7, 1971, bonded with Koppers Penacolite G1124 adhesive in accordance with instructions accompanying the adhesive, manufactured by Exxon Chemical Company U.S.A., A Division of Exxon Chemical Company, Odenton, Maryland 21113, effective January 23, 1976. (It supersedes Approval No. 164.012/1/0 dated August 25, 1975 to show change in type of product.)

Dated: March 12, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.76-7766 Filed 3-17-76;8:45 am]

**Federal Aviation Administration
AIR ROUTE TRAFFIC CONTROL CENTER
AT GREAT FALLS, MONTANA**

Closing

Notice is hereby given that on or about June 6, 1976, the Air Route Traffic Control Center at Great Falls, Montana, will be closed. En route air traffic control services to the aviation public in Montana and extreme western North Dakota will be provided by the Salt Lake City, Utah, Air Route Traffic Control Center commencing on or about March 25, 1976. Services in the remainder of North Dakota and extreme northwest Minnesota will be provided by the Minneapolis, Minnesota, Air Route Traffic Control Center commencing on or about June 6, 1976. This information will be reflected in the FAA Organization Statement the next time it is issued.

Issued in Aurora, Colorado, on March 5, 1976.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc.76-7467 Filed 3-17-76;8:45 am]

**RADIO TECHNICAL COMMISSION FOR
AERONAUTICS**

Meeting

Notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 128, which is being utilized as an Advisory Committee within the meaning of the Federal Advisory Committee Act, 5 U.S.C. Appendix I. It will be held April 7-8, 1976, in Conference Room 4234, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, commencing at 9:30 a.m. Agenda items include:

1. Review of the Ground Proximity Warning System (GPWS) program by FAA representative.
2. Reevaluate certain portions of the envelopes of conditions for warning in RTCA Document DO-161 and FAA TSO-C92a.
3. Determine if the Minimum Performance Standards for GPWS require modification or improvement.

Meetings of the RTCA Special Committee 128 are open to the public, subject to space limitations. Subject to time being available, any member of the public may present oral statements at the meeting, or may submit written statements to or obtain additional information from the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484.

Issued in Washington on March 5, 1976.

EDGAR A. POST,
Designated Officer.

[FR Doc.76-7557 Filed 3-17-76;8:45 am]

**RADIO TECHNICAL COMMISSION FOR
AERONAUTICS**

**Special Committee 129—Future Civil
Aviation Frequency Spectrum Require-
ments**

Cancellation of Meeting

This notice announces the cancellation of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 129 meeting which was scheduled for April 1-2, 1976, and announced in the FEDERAL REGISTER on March 4, 1976 (41 FR 9414). The meeting has been rescheduled for April 29-30, 1976, and a revised agenda will be published in the near future.

Issued in Washington on March 12, 1976.

EDGAR A. POST,
Designated Officer.

[FR Doc.76-7790 Filed 3-17-76;8:45 am]

Federal Railroad Administration

[FRA Waiver Petition No. HS-76-2]

LOUISIANA SOUTHERN RAILWAY CO.

**Petition for Exemption From Hours of
Service Act**

The Louisiana Southern Railway Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. Secs. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-76-2, Room 5101, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before April 19, 1976, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Issued in Washington, D.C. on March 11, 1976.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.76-7702 Filed 3-17-76;8:45 am]

**National Highway Traffic Safety
Administration**

**NATIONAL HIGHWAY SAFETY ADVISORY
COMMITTEE**

Public Meeting

On March 31, April 1 and 2, 1976, the National Highway Safety Advisory Com-

mittee will hold open meetings at the Department of Transportation Headquarters building, 400 Seventh Street, S.W., Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

On March 31 at 3:30 p.m. in room 4234 the Adjudication Task Force will meet with the following agenda:

**DISCUSSION OF PROPOSED TASK FORCE
REPORT**

On April 1 at 8:00 a.m. in room 2232 the Adjudication Task Force will meet with the following agenda:

On April 1 at 10:00 a.m. in room 2232 the Driver Subcommittee will meet with the following agenda:

Briefing on Studies Involving Drunk Driving Warning Systems.

Discussion of CB Channel 9 as Authorized Part of 402 Program.

Discussion of LORAN C—Vehicle Position Fix System and Cost Benefits of System.

Review of Proposed Rulemaking—Standards Revision Process.

**DISCUSSION OF SUBCOMMITTEE PRIORITY
ITEMS**

A—Alcohol Related to Highway Safety.
B—Driver Skills and Behavior Modification.

C—Seat Belt Usage.
D—55 MPH Enforcement—How to Encourage It.

Discussion of Report to Secretary on Subcommittee Activities in Answer to Letter of September 12, 1975.

Formal Action on Phoenix Proposals Relating to:

Need for extensive research on driver behavior modification.

Need for literature search on attitudinal training.

Task Force on Driver Training and Licensing Recommendations specifically for under 25 age group.

New Business/Old Business.

On April 1 at 8:30 a.m. in room 4234 the Highway Environment and Vehicle Sub-

committees will meet with the following agenda:

MOPED SAFETY

Secretary's Issue: Future Impact of Smaller cars, 55 MPH Speed Limit and Commercial Vehicles on Design and Safety Standards for Highways.

Status Report on Railroad Grade Crossings.

National Data Center Concept.

National Uniform Truck Weight, Length & Width Standards.

Re-approval of State Highway Plans for Safety Compliance.

On April 2 at 9:00 a.m. in room 2232 the full Committee will meet with the following agenda:

Status of Federal-Aid Highway Legislation.

Report on Terms of Members.

Report of Nominating Committee for Election of Chairman Nominee.

Presentation on the Energy Crisis.

Report of Adjudication Task Force.

Report of Vehicle Subcommittee.

Report of Highway Environment Subcommittee.

Report of Driver Subcommittee.

New Business/Old Business.

The above meetings are subject to the approval of the Secretary.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: March 12, 1976.

WM. H. MARSH,
Executive Secretary.

[FR Doc.76-7607 Filed 3-17-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

CHANGE IN HEARINGS

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended that hearings related to their proceedings will be held in conjunction with Commission Task Force #10's investigation of terminated and non-federally recognized Indians. An informal hearing to cover the states of Louisiana, Texas, Arkansas, Florida, Georgia and Alabama will be held on March 27, 1976 from 9:00 a.m. until 5:00 p.m. Please note that the place has been changed from the Louisiana State Resources Building as previously reported to the State Capitol Committee Room, #1, Riverside Mall, Baton Rouge, Louisiana.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope

of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian Community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to the studies of Task Force #10's investigation of Terminated and non-Federally Recognized Indians. The Task Force on Indian Education (Task Force #5) will join Task Force #10 in hearing testimony.

Persons interested in submitting testimony for any of the hearings should call Ms. Jo Jo Hunt or George Tomer at 202-225-1284, 3446, or 3526 or write to them at the American Indian Policy Review Commission, HOB #2, Second and D Streets, SW., Washington, D.C. 20515.

Dated: March 10, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-7669 Filed 3-17-76;8:45 am]

INDIAN ALCOHOLISM AND DRUG ABUSE Congressional Seminar

The American Indian Policy Review Commission will hold the seventh in its series of Congressional seminars on Friday, March 19, 1976 from 10:00 a.m. to 12 noon in the Rayburn Building, Room B-308. Featured will be Task Force #11, which is investigating Indian alcoholism and drug abuse.

The purpose of the seminar which will be held every Friday morning through April 16th, is to alert Congressional members and their legislative aides to the major issues of importance to American Indians. Each seminar will take the form of a panel discussion conducted by one of the eleven Commission task forces on a specific area of Indian affairs. The discussions will in each case be followed by a question and answer period.

At the seventh seminar on March 19th, Louis Bruce (Mohawk-Sioux), the former Commissioner of the Bureau of Indian Affairs, presently serving as Commissioner of the American Indian Policy Review Commission, will give an overview of the Commission in his opening remarks. These will be followed by a discussion of Task Force #11, which is investigating Indian Alcoholism and Drug Abuse. The moderator will be Ernie Stevens (Oneida), Executive Director of the Commission. Task Force #11 Specialist, Steven LaBeouff (Blackfeet), an administrator with the Indian Health Service and on detail to the American Indian Policy Review Commission will also take part in the discussion.

The American Indian Policy Review Commission has been authorized to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of neces-

sary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of Indian community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. The discussion on March 19 will focus on Indian alcoholism and drug abuse.

Dated: March 15, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-7748 Filed 3-17-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28255]

HUGHES AIRWEST SUBPART M APPLICATION (BURBANK-PHOENIX)

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on April 13, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Dated at Washington, D.C., March 15, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-7769 Filed 3-17-76;8:45 am]

[Docket 27785; Order 76-3-95]

JAPAN-ORIGINATING GROUP INCLUSIVE TOUR FA'ES

Request to Engage in Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of March, 1976.

By Order 75-6-58 dated June 12, 1975 the Board authorized discussions among Northwest Airlines, Inc., Pan American World Airways, Inc. and Japan Air Lines Company, Ltd. which resulted in an agreement to establish special group inclusive tour fares from Japan to the United States.¹ Tariffs filed pursuant to this agreement were implemented on October 1, 1975 and continue in effect.

The three carrier parties to the agreement have now filed petitions for renewal of authority to engage in fare discussions. The petitioners allege that, since implementation of the fares, certain questions have arisen with respect to the need to discuss possible adjustments to the level, structure, and/or conditions of these fares, as well as the expense of their promotion. The petitioners further allege that the Japan Civil Aviation Bureau has recognized the need for renewed discussions with re-

¹ The agreement was approved by Order 75-9-106 dated September 29, 1975.

spect to these fares and has requested that they be undertaken.²

The Board has decided to authorize discussions to be held either in Japan or in the United States. In doing so, however, we would emphasize that our action should not be construed to indicate acceptance of intercarrier discussions as the only way to bring about stability in fares between Japan and the United States. To the contrary, our approval of discussions is predicated upon enforcement difficulties which appear to exist at the present time in Japan, and a mutual desire to achieve some degree of stability in air fares from Japan to the United States.

In the Board's opinion, the primary issue is the level at which the Japan-originating fares are being offered. These fares, as currently set forth in the carriers' tariffs, are among the lowest promotional fares currently available in this market (lower even than the 30/120 day excursion fare implemented to meet alleged illegal competition),³ and the Board would be unable to accept further reductions without specific economic justification from each of the participating carriers.

Accordingly, it is ordered that:

1. Northwest Airlines, Inc., Pan American World Airways, Inc. and Japan Air Lines Company, Ltd. may engage in discussions among themselves and with any other interested scheduled carriers in an effort to satisfactorily resolve the problems of group inclusive tour fares available for sale in Japan for travel to the United States and return;

2. The authority granted herein will expire March 31, 1976;

3. This order will be served on all U.S.- and foreign-flag carriers holding certificate or permit authority to provide scheduled passenger service between the U.S. and Japan over the North/Central Pacific; and

4. The U.S. carrier participants shall notify the Civil Aeronautics Board in writing, sufficiently in advance of the proposed meetings to insure the presence of a U.S. Government observer at said meetings.

This order will be published in the Federal Register.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-7770 Filed 3-17-76; 8:45 am]

² In a late filed motion, Trans International Airlines, Inc. and World Airways, Inc. request that authority for these talks be subject to a condition that TIA and World be permitted to send observers to monitor the discussions. We are not convinced that the presence of such observers is necessary or conducive to the scheduled carriers reaching an agreement. In any event, any agreement reached will be filed with the Board, at which time all interested parties would have an opportunity to comment.

³ Japan has refused to extend these fares beyond February 29, 1976.

[Docket 28872; Agreement C.A.B. 25606 R-1 and R-3]

IATA AGREEMENTS INVOLVING AGENCY MATTERS (TRAVEL AGENTS' COMMISSIONS)

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on April 7, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., March 12, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-7767 Filed 3-17-76; 8:45 am]

[Docket 28837]

PAN AMERICAN WORLD AIRWAYS, INC. PROPOSED GIT FARES (NEW YORK/DALLAS-HAWAII)

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 13, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Ralph L. Wiser.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before April 1, 1976, and the other parties on or before April 8, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C. March 12, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-7768 Filed 3-17-76; 8:45 am]

CIVIL RIGHTS COMMISSION

UTAH ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 9:00 p.m. on April 14, 1976, at 440 East 1st South Conference Room—Salt Lake Board of Education, Salt Lake City, Utah.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Suite 1700, Executive Towers, 1405 Curtis, Denver, Colorado 80282.

The purpose of this meeting: Credit Report Follow-up, Subcommittee will discuss plans for workshop on the New Equal Credit Opportunity Laws.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 15, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.76-7812 Filed 3-17-76; 8:45 am]

UTAH ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 9:30 p.m. on April 15, 1976, at 440 East 1st South Conference Room, Salt Lake Board of Education, Salt Lake City, Utah.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Suite 1700, Executive Towers, 1405 Curtis, Denver, Colorado 80282.

The purpose of this meeting: Utah SAC will discuss field work in connection with project on Criminal Justice Hiring Practices in Salt Lake and Tooele County.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 15, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.76-7813 Filed 3-17-76; 8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON THE ECONOMIC ROLE OF CONTRACT MARKETS

Advisory Committee Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, § 10(a), that the Commodity Futures Trading Commission Advisory Committee on the Economic Role of Contract Markets ("Advisory Committee on Economic Role of Contract Markets") will conduct a public meeting on April 1, 1976, in the Fourth Floor Hearing Room at 1825 K Street, N.W., Washington, D.C., beginning at 9:30 a.m. The objectives and

scope of activities of the Advisory Committee on Economic Role of Contract Markets will be to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Economic functions of futures trading. This will include consideration of such matters as:

(i) Benefits of commodity futures trading;

(ii) Appropriate standards to be utilized by the Commission under the Commodity Exchange Act, as amended, in developing a definition of bona fide hedging transactions or positions;

(iii) Appropriate standards to be utilized by the Commission under the Commodity Exchange Act, as amended, in developing a definition of international arbitrage; and

(iv) Appropriate policy criteria to be utilized by the Commission in establishing trading and position limits under the Commodity Exchange Act, as amended.

(2) Criteria for economic evaluation of existing contracts and new contract applications, including such matters as:

(i) Proliferation of contracts;

(ii) Commercial viability of contracts (including delivery points); and

(iii) Trading potential (new and inactive contracts).

The agenda for the meeting will include further discussion of the draft committee report on hedging and speculative limits, and economic evaluation of contract terms (including delivery points).

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of that statement to Margaret Harrison, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, at least five days before the meeting.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings of the Committee to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

Dated: March 15, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures
Trading Commission.

[FR Doc. 76-7757 Filed 3-17-76; 8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

ADVISORY COMMITTEES

Invitation for Membership Applications

The purpose of this notice is to invite applications for membership on two ad-

visory committees of the Consumer Product Safety Commission for vacancies that will occur in June 1976. The two committees are (1) the National Advisory Committee for the Flammable Fabrics Act, and (2) the Technical Advisory Committee on Poison Prevention Packaging. Information on the functions and composition of the two committees, the number and representational category of the vacancies occurring on each committee in June 1976, general criteria for selection of members on Consumer Product Safety Commission advisory committees, and procedures for making application or nomination of applicants are set forth below.

NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

The National Advisory Committee for the Flammable Fabrics Act was first established in 1963 by the Department of Commerce under Section 17 of the Flammable Fabrics Act, as amended (Pub. L. 83-88, 15 U.S.C. 1204). Functions under the Act, including administration of the National Advisory Committee, were transferred, effective May 14, 1973, to the Commission by Section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)).

The Commission consults with the National Advisory Committee for opinions, advice, and recommendations before prescribing flammability standards or other regulations under the Act.

The National Advisory Committee for the Flammable Fabrics Act is composed of 20 members, 10 of whom are representatives of the consuming public and 10 of whom are representatives of manufacturers and distributors.

The Commission anticipates five (5) vacancies on the National Advisory Committee in June, 1976, all within the consumer category.

TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

The Technical Advisory Committee on Poison Prevention Packaging was first established in 1971 by the Department of Health, Education and Welfare under the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601; 15 U.S.C. 1471, et seq.). Functions under this Act, including administration of the Technical Advisory Committee on Poison Prevention Packaging, were transferred, effective May 14, 1973, to the Commission by section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)).

The Technical Advisory Committee provides advice and recommendations to the Commission on the establishment of packaging standards to protect children from injury or illness resulting from handling, using or ingesting household substances.

The Technical Advisory Committee is composed of 18 members, including one representative each from the Department of Health, Education and Welfare and the Department of Commerce, with the remaining 16 members equally divided among consumers and industry interests. Within the industry category,

representation is provided for manufacturers of household substances subject to the Poison Prevention Packaging Act and for manufacturers of packages and closures for household substances. Scientists with expertise related to the Act and licensed medical practitioners may be included in either the consumer or industry category depending upon their employment affiliation.

The Commission anticipates eight (8) vacancies on the Technical Advisory Committee in June 1976: 3 within the consumer category and 5 within the industry category.

MEMBERSHIP SELECTION AND APPLICATION PROCEDURE

The membership of the two advisory committees that are the subject of this notice, as with all Commission advisory committees, shall be insofar as practicable fairly balanced in terms of geographic location, age, sex, and minorities. Further, the Commission seeks in the selection of individual members to ensure an advisory committee of the widest possible diversity of experience, expertise, background, and interests. Among consumer representatives on the National Advisory Council for the Flammable Fabrics Act, such diversity would include, for example, past or current involvement in burn treatment programs, fire prevention programs, teaching and/or research relating to textiles and home furnishings, consumer organization or local citizen group activities relating to flammability, public interest law, homemaking, etc. Similarly, diversity of consumer representation on the Technical Advisory Committee on Poison Prevention Packaging would include past or current involvement in activities related to Poison Control Centers, data gathering, research and analysis of incidents of poisoning in children, pediatrics, public interest law, home accident prevention efforts, teaching and/or research relating to household substances and drugs, homemaking/childrearing, etc. In regard to industry representatives on the Technical Advisory Committee on Poison Prevention Packaging, (as noted previously, there are no scheduled industry vacancies upcoming on the National Advisory Committee for the Flammable Fabrics Act), diversity within the basic categories provided for by legislation—manufacturers of household substances and of packages and closures for household substances—would relate to specific types of products dealt with, past and current occupational responsibilities such as quality control, product testing, product engineering and design, marketing, and the like, experience with voluntary standards development, practicing pharmacist, medical practitioners and scientists with industry employment affiliation, etc.

An application form designed to assist potential candidates in submitting information on which committee applications will be evaluated is available from the Commission and should be used by persons interested in making application for the advisory committee vacan-

cies announced in this notice. Persons wishing to nominate another individual to serve on an advisory committee also should use the application form and should include a statement that the person nominated has agreed to serve if selected by the Commission. Application forms are available from and should be submitted not later than May 15, 1976, to the Committee Management Officer, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; Telephone (202) 634-7700.

Dated: March 15, 1976.

SADY E. DUNN,
Secretary, Consumer Product
Safety Commission.

[FR Doc.76-7771 Filed 3-17-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

(FRL 305-7) [PFT8]

FOOD ADDITIVE PETITION

Notice of Filing

Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis MO 63116, has submitted a petition (FAP 6H5118) to the Environmental Protection Agency which proposed to amend 21 CFR 561 by establishing a food additive regulation permitting the use of the herbicide glyphosate [N-(phosphomethyl)glycine] in a proposed experimental program involving application of the herbicide to growing citrus with a tolerance of 0.4 part per million (ppm) for residues of the herbicide and its metabolite aminomethylphosphonic acid in dried citrus pulp.

Notice of this submission is given pursuant to the provisions of Section 409(b) (5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them.

The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5118". Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 11, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-7661 Filed 3-17-76;8:45 am]

[FRL 505-8 PF6G1709/T41]

HEXADECYL CYCLOPROPANECARBOXYLATE

Establishment of a Temporary Tolerance

Zoecon Corp., 975 California Ave., Palo Alto CA 94304, has submitted a pesticide petition (PP 6G1709) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for residues of the insecticide hexadecyl cyclopropanecarboxylate in or on the raw agricultural commodities apples and pears at 0.1 part per million (ppm). Establishment of this temporary tolerance will permit the marketing of apples and pears treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the insecticide, therefore, with the following provisions:

1. The total amount of the insecticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Zoecon Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires March 11, 1977. Residues not in excess of 0.1 ppm remaining in or on apples and pears after this expiration date will not be considered actionable if the insecticide has been legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this insecticide indicate such revocation is necessary to protect the public health. Statutory Authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: March 11, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-7660 Filed 3-17-76;8:45 am]

[FRL 505-6; OPP-30106A]

PESTICIDE PROGRAMS

Receipt of Application To Register Pesticide Product Containing a New Active Ingredient—Correction

On January 21, 1976, the Environmental Protection Agency published (41 FR 3117) a notice of receipt of application to register pesticide products containing new active ingredients. In line 3 of the entry which begins "EPA File Symbol 271-GN", the name of the product submitted to the Agency by Commercial Solvents Corp. should be corrected to read CSC BIOBAN CS-1135.

Dated: March 11, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-7662 Filed 3-17-76;8:45 am]

[FRL 506-1; OPP-180067]

OREGON DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Benomyl To Control Foot Rot of Wheat in Oregon

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Oregon State Department of Agriculture (hereafter referred to as the "Applicant") to use the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazole carbamate) for the control of foot rot in the counties of Gilliam, Morrow, Sherman, Umatilla, Union, and Wasco, in eastern Oregon. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, approximately 260,762 acres of winter wheat in eastern Oregon are infected with foot rot disease caused by the fungal pathogen *Cercospora herpotrichoides*. The Applicant stated that this situation usually occurs once in every 4-5 years. *Cercospora* foot rot disease significantly affects winter wheat in eastern Oregon when the wheat is seeded early and the winters are mild. Environmental condi-

tions during the fall and winter of 1975-1976 have been highly favorable to the development of this disease. Treatment with benomyl should be made between mid-February and late March to be most effective.

No registered pesticide nor alternative methods of control were available for the area involved; later seeding, which reduces disease incidence, was not economically practical for many growers.

The Applicant proposed to use Benlate (benomyl) fungicide 50W. The rates of application will be one pound Benlate (0.5 lb. A.I. benomyl) in 5-10 gallons water/acre or one pound Benlate in 20-30 gallons water/acre, depending on whether the application is by air or ground, respectively. One application will be used between the date of issuance and March 30, 1976. This application will provide protection to the infected 260,762 acres of winter wheat, preventing the loss of twelve (12) percent in average yield valued at \$4,282,497.

Past history of Benlate indicates that no adverse short- or long-term effects on man or the environment should result from the pesticide application. The Fish and Wildlife Service, U.S. Department of the Interior, has advised EPA that no adverse effects on fish or wildlife resources are anticipated from this application.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of foot rot on winter wheat has or is about to occur; (b) there is no pesticide presently registered and available for use to control the foot rot disease in eastern Oregon; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the pest is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide listed above until March 30, 1976, to the extent and in the manner set forth in the application. The exemption is also subject to the following additional provisions:

1. Benlate (benomyl) 50W, EPA Reg. No. 352-354 AA, will be used;
2. Wheat acreage to be treated is limited to the counties listed in this notice;
3. One (1) pound of Benlate (0.5 lb. A.I. benomyl) per acre will be applied by ground or air;
4. A single application will be made;
5. If applied by custom applicator (air or ground), applications will be made by licensed applicators. Wheat growers may apply Benlate on their own property; and
6. A residue level not to exceed 0.05 ppm in or on harvested wheat grain

has been determined to be adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action.

Dated: March 12, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 76-7659 Filed 3-17-76; 8:45 am]

[FRL 505-5; OPP-50079]

STAUFFER CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Stauffer Chemical Company, Washington, D.C. 20006. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 478-EUP-68) allows the use of 120,020 pounds of the herbicide S-ethyl diisobutylthiocarbamate in connection with an inert encapsulating material on corn to evaluate the control of annual grasses and perennial weeds. A total of 27,800 acres is involved; the program is authorized only in the States of Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. The experimental use permit is effective from February 23, 1976 to February 23, 1977. A permanent tolerance for residues of the active ingredient in or on corn has been established. A temporary exemption from the requirement of a tolerance for residues of the encapsulating material has been established when used in connection with S-ethyl diisobutylthiocarbamate applied to growing corn.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

tion from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated March 11, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc. 76-7663 Filed 3-17-76; 8:45 am]

EXPORT-IMPORT BANK OF THE UNITED STATES

ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App I, (the Act) notice is hereby given that an open meeting of the Advisory Committee of the Export-Import Bank of the United States will take place in the Export-Import Bank of the United States at 811 Vermont Avenue, N.W., Washington, D.C., Room Number 1141, on April 5, 1976, beginning at 10:00 a.m. and ending at approximately 12:00 noon.

The Agenda for the meeting will include the following items: Role of the Advisory Committee, Organizational structure of Eximbank, Description of Eximbank programs and Financial Condition of Eximbank.

In order to permit Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify the Advisory Committee Management Officer, Miss Joan P. Harris, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

JOAN P. HARRIS,
Advisory Committee
Management Officer.

[FR Doc. 76-7689 Filed 3-17-76; 8:45 am]

FEDERAL HOME LOAN BANK BOARD

PAT GRIFFIN CO.

Receipt of Application for Permission to Acquire Control of Capitol Savings and Loan Association

MARCH 15, 1976.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Pat Griffin Company, Fort Collins, Colorado, a Wyoming Corporation, for approval to acquire control of the Capitol Savings and Loan Association, Cheyenne, Wyoming, an insured institution, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)) and Section 584.4 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.4). Said acquisition to be effected through the purchase of substantially all of the guaranty stock of Capitol Savings and Loan Association, by the applicant for cash. Com-

ments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this Notice appears in the FEDERAL REGISTER.

RONALD A. SNIDER,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.76-7759 Filed 3-17-76;8:45 am]

FEDERAL MARITIME COMMISSION MALAYSIA-PACIFIC RATE AGREEMENT Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 7, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

D. D. Day, Jr., Secretary, Malaysia-Pacific Rate Agreement, 635 Sacramento Street, San Francisco, California 94111.

Agreement No. 9836-5, entered into by the member lines of the Malaysia-Pacific Rate Agreement, amends Article 2 of the approved agreement to change the procedure to be followed when a party is desirous of exercising its right of independent action authorized thereunder. Specifically, it is proposed that the Agreement Secretary will advise all members of the proposal and place the matter on the agenda for the next meeting of the agreement members. At the present time, the Agreement Secretary polls the other agreement members and advises all members of the results of the poll. In addition thereto, if a proposal does not receive the approval of all parties, Agreement No. 9836-5 provides that a party making the proposal must give two (2)

working days' notice, instead of 24 hours' notice as at present, through the Agreement Secretary to the other parties of its intention to adopt its proposal.

By Order of the Federal Maritime Commission.

Dated: March 15, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-7810 Filed 3-17-76;8:45 am]

SAN FRANCISCO PORT COMMISSION AND INTERMODAL CARGO SERVICES, INC. Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 7, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Richard A. Bobler, Chief Counsel, Port of San Francisco, Ferry Building, San Francisco, California 94111.

Agreement No. T-3197-1, between San Francisco Port Commission (Port) and Intermodal Cargo Services, Inc., (ICS), modifies the basic agreement which provides for the five-year operation by ICS of an off-dock eastbound container consolidation freight station and distribution center at Pier 26. The purpose of the modification is to provide for monthly storage charges to commerce upon receipt of cargo at the container freight station.

By Order of the Federal Maritime Commission.

Dated: March 15, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-7809 Filed 3-17-76;8:45 am]

WEST COAST UNITED STATES & CANADA/ INDIA, PAKISTAN, CEYLON AND BURMA RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Office located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 7, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. P. Blok, Secretary, West Coast United States & Canada/India, Pakistan, Ceylon and Burma Rate Agreement, 417 Montgomery Street, San Francisco, California 94104.

Agreement No. 8760-7 reflects the intention of the member lines of the West Coast United States & Canada/India, Pakistan, Ceylon and Burma Rate Agreement to conduct their operations pursuant to a single tariff rather than the individual tariffs of the member lines as is the present practice.

By Order of the Federal Maritime Commission.

Dated: March 12, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-7811 Filed 3-17-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. ER76-435 and ER76-437]

KANSAS CITY POWER & LIGHT CO.

Additional Filing

MARCH 11, 1976.

Take notice that on March 4, 1976, Kansas City Power & Light Company (Company) submitted for filing additional information regarding its January 2, 1976 filing, pursuant to the Secretary's letter of January 27, 1976. The additional information consisted of the sys-

tem losses, wholesale losses, and resulting multipliers to be utilized in the fuel adjustment clauses applicable to the Cities of Marshall, Osawatimie, Ottawa, Kansas City, and Carrollton, as well as a tabulation of monthly system heat rates for the year ended June 30, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7713 Filed 3-17-76;8:45 am]

[Docket Nos. AR61-2 and AR69-1, et al.]

TRUNKLINE GAS CO.

Proposed Plan for Flow Through of Refunds

MARCH 11, 1976.

Take notice that Trunkline Gas Company (Trunkline) on November 6, 1975 submitted its plan for flow through of refund amounts received from producers as a result of F.P.C. Opinion and Order No. 598 issued July 16, 1971 in Docket Nos. AR61-2 and AR59-1, et al., pursuant to the Commission's Order issued August 19, 1975 Directing Disbursement and Flow Through of Refunds in the above referenced docket.

Copies of this plan were served on each jurisdictional customer and upon the appropriate state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. This application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7714 Filed 3-17-76;8:45 am]

[Docket No. ER76-505]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Order Accepting for Filing and Suspending Proposed Rate Increase, Denying Motion for Summary Judgment, Granting Interventions, Providing for Hearing and Establishing Procedures

MARCH 10, 1976.

On February 9, 1976, Public Service Company of New Hampshire (PSNH) tendered for filing rate schedule changes applicable to all of its firm wholesale customers.¹ It is estimated that the proposed changes would increase revenues from jurisdictional sales and service by \$4,394,187 (19.7%) based on calendar year 1976. PSNH requests that the proposed rates become effective on March 10, 1976.

Public notice of the filing was issued on February 18, 1976, with protests or petitions to intervene due on or before March 3, 1976.

On March 3, 1976, Exeter & Hampton Electric Company and Concord Electric Company (Electrics) filed petitions to intervene.

On March 3, 1976, New Hampshire Electric Cooperative, Inc., the Village Precinct of New Hampton, New Hampshire, and the Towns of Ashland and Wolfboro, New Hampshire (Customers) jointly filed a protest, petition to intervene, motion to reject and motion for summary disposition. In support of the motion to reject, Customers allege that (1) PSNH seeks to impose unincurred income taxes upon the wholesale class via unjustified normalizations; (2) AFUDC has been capitalized at an excessive rate; (3) PSNH proposes an unjustified surcharge related to an alleged lag in fuel clause recovery; (4) PSNH has claimed anticipated, but unsubstantiated, costs of operation for Period II; (5) PSNH's income tax calculations fail to recognize certain interest deductions; (6) general plant and A&G expenses have been improperly allocated; (7) PSNH has improperly treated its common stock investment in associated companies and (8) the proposed rates will impose a "price squeeze" upon the wholesale customers. In the event the Commission does not reject the proposed rates, Customers request that the increase rates be suspended for five months. Customers also move for summary judgment on the issue of tax normalization.

With reference to Customer's allegations of price squeeze, the Commission must utilize a cost plus fair return standard for establishing the justness and reasonableness of wholesale rates and does not have the authority under the Federal Power Act to set wholesale rates

¹ See the attached Appendix for list of customers and rate schedule designations.

predicated upon retail rates over which we have no jurisdiction.² We shall therefore limit this proceeding so as to exclude consideration of the price squeeze issue. We are aware of Customers' reliance upon *Conway Corporation v. F.P.C.*, 510 F.2d 1264 (1975). However the court in *Conway* stayed its mandate pending appeal by the Commission who was subsequently granted certiorari.³ Accordingly, Customers and any other petitioners may request consideration of the price squeeze issue when and if the *Conway* decision becomes final.

In Customers' motion for summary judgment of the tax normalization issue, questions and factual issues have been raised which warrant hearing. Our review indicates that summary disposition is inappropriate and that issues of fact may exist that should be addressed in the context of an evidentiary hearing as hereinafter ordered.

We further note that the fuel adjustment clause (including a temporary surcharge) filed herein is identical to that previously filed by PSNH in Docket No. ER76-285. By order issued December 19, 1975, in that docket the Commission suspended the fuel clause until January 1, 1976, and ordered a hearing concerning its lawfulness. Accordingly, the question as to the lawfulness of the fuel adjustment clause filed herein shall be made subject to the outcome of the proceedings in Docket No. ER76-285.

Our review indicates that the proposed rates filed by PSNH herein have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall suspend the proposed rates for one month and establish hearing procedures. Moreover, we shall deny Customers' motion to reject and motion for summary judgment of the tax normalization issue. Customers and Electrics shall be permitted to intervene in this proceeding.

We note that PSNH requests an effective date of March 10, 1976. Section 205(d) of the Federal Power Act provides that unless the Commission otherwise orders, no rate change can be placed into effect except "after thirty days' notice." Good cause having not been shown so as to warrant waiver of the prior notice requirement, the earliest effective date for the proposed rates would be March 11, 1976. Accordingly, the proposed rates shall be suspended for one month until April 11, 1976, when they shall go into effect subject to refund.

² See e.g., *Virginia Electric and Power Company*, Docket No. E-9147, order issued January 22, 1975, *Carolina Power and Light Company*, Docket No. E-8884, order issued August 26, 1974; *Wisconsin Public Service Corporation*, Docket No. E-8887, order issued August 23, 1974; and *Pacific Gas and Electric Company*, Docket No. E-7777, order issued March 14, 1974.

³ November 11, 1975, in Docket No. 75-342.

The Commission finds: (1) Good cause exists to accept for filing PSNH's proposed increased rates and to suspend those rates for one month until April 11, 1976, when they shall become effective subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of PSNH's rate schedules as proposed to be revised herein.

(3) The question as to the lawfulness of the fuel adjustment clause and temporary surcharge filed herein should be determined in Docket No. ER76-285.

(4) Good cause has not been shown so as to warrant rejection of PSNH's filing.

(5) Good cause does not exist to grant Customers' motion for summary judgment.

(6) Good cause exists to exclude consideration of allegations of price squeeze as raised by Customers herein.

(7) Participation by Customers and Electrics in this proceeding may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms, and conditions of service included in PSNH's FPC Electric Rate Schedules as proposed to be revised by the subject filing.

(B) Pending a hearing and final decision thereon, the proposed rate changes as designated in the attached Appendix are hereby accepted for filing and suspended for one month, to become effective April 11, 1976, subject to refund.

(C) The question as to the lawfulness of the fuel adjustment clause and temporary surcharge filed herein shall be determined in Docket No. ER76-285.

(D) Customers' motion to reject is hereby denied.

(E) Customers' motion for summary judgment is hereby denied.

(F) The allegations of price squeeze are hereby excluded from consideration in this proceeding.

(G) The petitioners named herein are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their respective petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) A Presiding Administrative Law Judge to be designated by the Chief

Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(I) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding to be held on April 1, 1976, at 9:30 a.m., at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(J) Nothing contained herein shall be construed as limiting the rights of the parties to this proceeding regarding the

convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(K) PSNH shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission Regulations, 18 CFR Section 35.19a.

(L) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE DOCKET NO. ER76-505

RATE SCHEDULE DESIGNATIONS

Filed: February 9, 1976.

Dated: February 9, 1976.

Other Parties: Wholesale Customers, as indicated

(The new supplement includes an unchanged Fuel Cost Adjustment Clause, and Temporary Surcharge Clause)

Other party	Designation
Concord Electric Co.-----	Supplement No. 7 to Rate Schedule FPC No. 24 (Supersedes Supp. No. 6).
Town of Ashland (Electric Light Department).	Supplement No. 7 to Rate Schedule FPC No. 28 (Supersedes Supp. No. 6).
New Hampton Village Fire Precinct-----	Supplement No. 7 to Rate Schedule FPC No. 29 (Supersedes Supp. No. 6).
Exeter & Hampton Electric Co.-----	Supplement No. 7 to Rate Schedule FPC No. 35 (Supersedes Supp. No. 6).
New Hampshire Electric Cooperative Rate Schedule FPC No. 50.	5th Revised Sheet No. 1 to Exhibit B (Supersedes 4th Revised Sheet No. 1).
	6th Revised Sheet No. 1 to Exhibit C (Supersedes 5th Revised Sheet No. 1).
	4th Revised Sheet No. 2 to Exhibit C (Supersedes 3rd Revised Sheet No. 2).
New Hampshire Electric Cooperative Rate Schedule FPC No. 71.	6th Revised Sheet No. 1 to Exhibit C (Supersedes 5th Revised Sheet No. 1).
Town of Wolfeboro Rate Schedule FPC No. 72.	4th Revised Sheet No. 1 to Exhibit C (Supersedes 3rd Revised Sheet No. 1).

[FR Doc.76-7715 Filed 3-17-76;8:45 am]

[Docket No. E-7775, et al.]

APPALACHIAN POWER CO.

Further Extension of Procedural Dates

MARCH 11, 1976.

On March 2, 1976, Appalachian Power Company filed a motion to extend the procedural dates fixed by order issued December 24, 1975, as most recently modified by notice issued February 23, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Testimony, March 30, 1976.

Service of Staff and Intervenor Testimony, April 30, 1976.

Service of Company Rebuttal, May 15, 1976.

Hearing, June 7, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7716 Filed 3-17-76;8:45 am]

[Docket No. CP76-154]

COLUMBIA GAS TRANSMISSION CORP.

Withdrawal

MARCH 11, 1976.

On February 26, 1976, Columbia Gas Transmission filed a motion to withdraw its application for a Certificate of Public Convenience and Necessity filed on November 6, 1975 in the above-designated proceeding.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective on March 29, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7717 Filed 3-17-76;8:45 am]

[Docket No. CI75-672]

BIGLANE OPERATING CO.**Withdrawal**

MARCH 11, 1976.

On October 3, 1975, Biglane Operating Company filed a motion to withdraw its Application for a Certificate of Public Convenience and Necessity filed on May 12, 1975 in the above-designated proceeding.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application became effective on November 3, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7718 Filed 3-17-76;8:45 am]

[Docket No. CI73-939]

**GEORGE K. TAGGART, JR.
(OPERATOR), ET AL.****Notice of Withdrawal**

MARCH 11, 1976.

On February 23, 1976, George K. Taggart, Jr., filed a motion to withdraw its Application for Abandonment filed on June 28, 1975 in the above-designated proceeding.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective on March 24, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7719 Filed 3-17-76;8:45 am]

[Rate Schedule Nos. 352, et al.]

ATLANTIC RICHFIELD COMPANY, ET AL.**Rate Change Filings Pursuant to
Commission's Opinion No. 699-H**

MARCH 11, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before March 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Mar. 1, 1976	Atlantic Richfield Co., P.O. Box 3819, Dallas, Tex. 75221.	352	Lone Star Gas Co.	Other Southwest.
Mar. 3, 1976	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	156	El Paso Natural Gas Co.	Permian Basin.
Mar. 4, 1976	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	72	do.	Do.
Mar. 2, 1976	Sun Oil Co., 2 Northpark East, P.O. Box 20, Dallas, Tex. 75221.	70	Tennessee Gas Pipeline Co.	Texas-Gulf Coast.

[FR Doc.76-7741 Filed 3-17-76;8:45 am]

[Docket No. ER76-338]

CAROLINA POWER & LIGHT CO.**Supplemental Filing**

MARCH 11, 1976.

Take notice that on March 3, 1976, Carolina Power & Light Company tendered for filing in response to the Secretary's letter of February 12, 1976, a comparison of revenues for the calendar year 1975, showing the revenue effect of the proposed modified fuel clause for twelve months prior to the effective date ordered by the Commission. The Company also submitted data concerning nuclear generation in 1975 and scheduled maintenance for nuclear generating units in 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1976. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7722 Filed 3-17-76;8:45 am]

[Docket No. ER76-540]

CENTRAL ILLINOIS PUBLIC SERVICE CO.**Filing of Wholesale Electric Service
Agreement**

MARCH 11, 1976.

Take notice that on March 2, 1976, Central Illinois Public Service Company tendered for filing a proposed new Wholesale Electric Service Agreement with the City of Cairo. The Agreement is proposed to become effective April 1, 1976 and supersedes the previous agreement with the City of Cairo dated February 21, 1966.

Rate Schedule W-2, under which the City of Cairo will be billed, was previously filed with the Commission and approved in Docket No. ER76-311 to become effective January 1, 1976.

A copy of the filing was sent to the City of Cairo.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7723 Filed 3-17-76;8:45 am]

[Docket Nos. AR61-2 and AR69-1, et al.]

COLUMBIA GAS TRANSMISSION CORP.**Filing of Refund Report**

MARCH 11, 1976.

Take notice that on November 3, 1975, as supplemented on December 22, 1975, Columbia Gas Transmission Corporation (Columbia) filed in the above-referenced dockets a proposed refund report in accordance with the Commission's order issued in the same dockets on August 19, 1975. Columbia states that subject refund reports have been mailed to each of its jurisdictional customers, to interested state regulatory commissions, and to all parties to the above proceedings. In addition, the subject reports are on file with the Commission and are available for public inspection.

Any person wishing to do so may submit comments in writing concerning Columbia's proposed refund reports. All

such comments should be submitted to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 31, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-7729 Filed 3-17-76; 8:45 am]

[Docket No. RP75-8 (PGA76-3)]

**COMMERCIAL PIPELINE COMPANY, INC.
PGA Filing**

MARCH 11, 1976.

Take notice that on March 5, 1976 Commercial Pipeline Company, Inc. (Commercial) tendered for filing Tenth Revised Sheets No. 3A reflecting Purchased Gas Adjustments and effective dates as set out below:

Sheet No.	Current adjustments	Cumulative adjustments	Effective date
3A 10th revised.....	\$0.1455	\$0.2717	Mar. 23, 1976

Commercial states that these revisions track precisely similar revisions in the tariff of Cities Service Gas Company, its sole supplier. Commercial requests waiver of notice to the extent required to permit said tariff sheets to become effective as proposed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-7734 Filed 3-17-76; 8:45 am]

[Docket No. ER76-333]

CONNECTICUT LIGHT & POWER CO.

Order Accepting Proposed Rate Schedules for Filing and Establishing Procedures

MARCH 12, 1976.

On December 5, 1975, the Connecticut Light and Power Company (CL&P) on behalf of itself, Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO), each a subsidiary of Northeast Utilities, (collectively the "Companies") filed a proposed Transmission Agreement¹ between the Companies and Long Island

Lighting Company (LILCO) dated October 1, 1975. CL&P requested waiver of the Commission's thirty day notice requirements to permit the Transmission Agreement to become effective on November 1, 1975.

Notice of CL&P's filing was issued on December 15, 1975, with comments, protests or petitions to intervene due on or before December 23, 1975. No protests or petitions were received. A Comment was filed by CL&P on behalf of itself, HELCO and WMECO on February 17, 1976.

Under the terms of the proposed Transmission Agreement, the Companies will make 30,000 kW of transmission capacity available to LILCO during the period November 1, 1975, through October 31, 1976. The power to be transmitted will be purchased by LILCO from Vermont Electric Power Company under a separate agreement.

The proposed monthly charge for service under the Transmission Agreement will be one-twelfth of the average annual cost of the transmission service on the Northeast Utilities system multiplied by 30,000, the number of kilowatts of capacity purchased by LILCO and to be transmitted. The average annual cost of transmission service on the Northeast Utilities system will be, in turn, determined in accordance with the uniform rules adopted by the New England Power Pool (NEPOOL) Executive Committee under Section 13.9 of the NEPOOL Agreement. The proposed monthly transmission charge to LILCO would be approximately \$13,740.

NEPOOL's uniform rules for calculating Extra High Voltage (EHV) PTF costs are the subject of a pending Commission investigation and hearing in Docket No. E-7690 (PTF Cost Rules) and NEPOOL's uniform rules for calculating Lower Voltage (LV) PTF costs were recently accepted for filing in Docket No. ER76-291, subject to refund pending a Commission investigation in that proceeding.

In light of the fact that the charges proposed in the instant docket are based on NEPOOL PTF Costs and those costs have not yet been found to be just and reasonable, we conclude that the rate increase proposed in this docket has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful.

We believe that final decision in Docket Nos. E-7690 and ER76-291 will fully resolve all issue in the instant docket insofar as the rates in the proposed Agreement are predicated upon the rates contained in the NEPOOL Agreement which are being investigated in those dockets. Thus, we consider it unlikely that a hearing will be needed regarding the proposed Transmission Agreement. We note that CL&P is of the same opinion. CL&P states in its February 17, 1975, Comment that after final disposition of the issues in Docket Nos. E-7690 and ER-76-291, "[I]t is quite likely that no hearing will be considered necessary or appropriate by the Com-

panies." Consequently, we shall not establish hearing procedures in the instant docket but, instead, shall make the determination of just and reasonable rates in this docket subject to the outcome of the proceedings in Docket Nos. E-7690 and ER76-291.

In its February 17, 1976, Comment, CL&P supported its request for waiver of our notice requirements by stating that a Commission order denying CL&P's request for waiver and permitting only prospective effectiveness of the Transmission Agreement would leave the Companies without any filed rate for their transmission services to LILCO for the period November 1, 1975, through the effective date, thereby depriving the Companies of any right to collect transmission charges from LILCO for that period even though the Companies have provided transmission service to LILCO since November 1, 1975.

CL&P further states that it was not informed by LILCO of that company's interest in entering into the Transmission Agreement until a date which made it impossible for CL&P to file the Transmission Agreement with the Commission thirty days before the proposed effective date. The delay, therefore, was caused by the lack of notice from LILCO, the utility receiving the service, rather than by CL&P, the filing party. CL&P submits that it would be unfair to deprive it of the appropriate level of revenues for transmission services rendered when the delay in filing was caused by factors which were beyond CL&P's control.

CL&P additionally states in its Comment that if the Commission grants waiver, thereby allowing the proposed Transmission Agreement to become effective on November 1, 1975, the Companies agree to make any and all amounts collected by the Companies under the Agreement on and after November 1, 1975, subject to refund.

Good cause exists to grant waiver of notice requirements and to permit the proposed amendment to become effective on November 1, 1975, subject to the condition, to which the Companies agreed in the February 17, 1976, Comment, that all revenues collected by the Companies under the proposed amendment on and after November 1, 1975, shall be subject to refund with interest at 9% of any amount found to be in excess of the just and reasonable rate.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the proposed Transmission Agreement be accepted for filing.

(2) Good cause has been shown to grant CL&P's request for waiver of the Commission's notice requirement so as to allow the proposed Transmission Agreement to become effective on November 1, 1976, subject to the condition that the Companies agree to make any and all amounts collected by the Companies under the Agreement on and after November 1, 1975, subject to refund with interest at 9% of any amount found to be in excess of the just and reasonable rate.

¹ See Appendix A for the list of Designations and Descriptions.

(3) The proposed transmission charges associated with NEPOOL PTF costs should be subject to the outcome of the proceedings in Docket Nos. E-7690 and ER76-291.

The Commission orders:

(A) CL&P's proposed changes in rates, charges and conditions of service as filed on December 5, 1975, are hereby accepted for filing.

(B) CL&P's request for waiver of the Commission's notice requirements is hereby granted so as to permit the proposed Transmission Agreement to become effective on November 1, 1975, subject to the condition that the Companies agree that all revenues collected by the Companies under the proposed Transmission Agreement on and after November 1, 1975, shall be subject to refund with interest at 9% of any amount

found to be in excess of the just and reasonable rate.

(C) The proposed transmission charges associated with NEPOOL transmission charges shall be made subject to the outcome of the proceedings in Docket Nos. E-7690 and ER76-291.

(D) Nothing contained herein shall be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

THE CONNECTICUT LIGHT AND POWER COMPANY; DOCKET NO. ER76-333

Dated: October 1, 1975.

Filed: December 5, 1975.

Other Party: Long Island Lighting Company.

Designation	Description
(1) Rate schedule FPC No. 116----- <i>The Hartford Electric Light Co.:</i>	Transmission agreement.
(2) Rate schedule FPC No. 97 (concur in (1) above). <i>Western Massachusetts Electric Co.:</i>	Certificate of concurrence.
(3) Rate schedule FPC No. 107 (concur in (1) above).	Certificate of concurrence.

[FR Doc.76-7740 Filed 3-17-76;8:45 am]

[Docket No. ER76-544]

CONSUMERS POWER CO.

Tariff Change

MARCH 11, 1976.

Take notice that Consumers Power Company (Consumers) on March 4, 1976, tendered for filing a letter agreement dated December 9, 1975, which constitutes an amendment to the "Agreement for Sale of Portion of Generating Capability of Ludington Pumped Storage Plant by Consumers Power Company to Commonwealth Edison Company," dated June 1, 1971, as amended by an amendment dated August 15, 1971 (hereinafter termed "Agreement as amended"), according to Consumers. Consumers states that the letter agreement, pursuant to the terms of the Agreement as amended, constitutes a redetermination of the fixed charge factor established by the Agreement as amended. Consumers states that effective for transactions on or after August 7, 1973, the letter agreement reduces the fixed charge factor from 15.770 percent to 15.351 percent, reflecting changes in state income tax rates, the federal investment tax credit, cost of bond financing, and depreciation deductions. Consumers states that, based on plant investment in the Ludington facility as of October 31, 1975, the effect of the reduction in the fixed charge factor will be to reduce annual payments by Commonwealth Edison to Consumers Power by approximately \$227,000.

Consumers requests waiver of the notice requirements to permit an effective date of August 7, 1973,

Consumers states that copies of the filing were served on Commonwealth Edison Company, The Detroit Edison Company, and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7736 Filed 3-17-76;8:45 am]

[Docket No. ER76-514]

CONSUMERS POWER CO.

Tender of Data and Certificate of Concurrence

MARCH 11, 1976.

Take notice that on March 3, 1976, Detroit Edison Company (DE) tendered for filing data and a certificate of concurrence related to the filing by Consumers Power Company on February 17, 1976, in the above-captioned docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7737 Filed 3-17-76;8:45 am]

[Docket No. CP74-227]

DISTRIGAS CORP.

Amendment to Application

MARCH 11, 1976.

Take notice that on February 23, 1976, Distrigas Corporation (Applicant), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP74-227 an amendment to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of imported liquefied natural gas (LNG) to Distrigas of Massachusetts Corporation (DOMAC) for resale, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant proposes in the instant proceeding to resell LNG to DOMAC at the same price paid by Applicant to purchase the imported LNG from Alocean Limited. In the instant amendment Applicant states that the price for the purchased LNG has been changed to 70.6 cents per million Btu, subject to currency and inflation adjustment, CIF Everett, Massachusetts. Accordingly, Applicant amends its application by requesting authorization to resell LNG to DOMAC at this rate as of July 1, 1975, or in the alternative, by requesting authorization to resell the LNG to DOMAC with a surcharge of 0.35 cent per million Btu multiplied by the number of cargoes delivered between July 1, 1975, and the effective date of the agreement of amendment changing the rate of the imported LNG for the duration of the terms of the LNG supply contracts dated December 3, 1969, and September 10, 1970, between Applicant and Alocean Limited.

Any person desiring to be heard or to make any protest with reference to said amendment to application should on or before April 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the

Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with Commission's Rules. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-7727 Filed 3-17-76; 8:45 am]

[Docket No. CP76-280]

DISTRIGAS CORP.

Application

MARCH 11, 1976.

Take notice that on February 23, 1976, DISTRIGAS Corporation (Applicant), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP76-280 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of imported liquefied natural gas (LNG) to DISTRIGAS of Massachusetts Corporation (DOMAG) for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to DOMAG LNG, the importation of the equivalent of 21 trillion Btu of which is the subject of the proceeding pending in Docket No. CP76-9. Applicant would purchase the LNG from Alocean Limited from July 1, 1976, through December 31, 1977, at the rate of \$2.30, subject to adjustments to reflect fluctuations of the U.S. dollar in relation to other currencies, and would resell the LNG at the same rate. The application states that DOMAG will take delivery and store the LNG at its terminal in Everett, Massachusetts.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 7, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without

further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-7735 Filed 3-17-76; 8:45 am]

[Project No. 2763]

CITY OF GOLDEN, COLORADO

VIDLER TUNNEL WATER CO.

Application for Preliminary Permit

MARCH 11, 1976.

Public notice is hereby given that an application for a preliminary permit was filed on November 26, 1975, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by the City of Golden, Colorado and Vidler Tunnel Water Company (Correspondence to: Mr. Robert F. Moreland, Project Manager, Sheephorn Project, City of Golden—City Hall, Golden, Colorado 80401; and Law Offices of Northcutt Ely, Watergate Six Hundred Building, Washington, D.C. 20037) for the proposed Sheephorn Project No. 2763, to be located on the following waterways: Colorado River, Blue River, Muddy Creek, Sheephorn Creek, Piney Creek, Rock Creek, Yampa River, Fishhook Creek, Morrison Creek, Service Creek, Silver Creek, and tributaries thereof. The proposed project would be located in Routt, Grand, Summit, and Eagle Counties near the cities of Steamboat Springs, Kremmling, Dillon, and McCoy, Colorado. Portions of the proposed project would be located within the Routt, White River, and Arapahoe National Forests and on lands of the United States administered by the Bureau of Land Management.

According to the application, the Sheephorn Project would consist of seven major reservoirs, with a total storage capacity of approximately 662,900 acre-feet; two hydroelectric power plants with a total capacity of 62,000 kW; seven pumping stations; 60 miles of water transmission tunnels; 130 miles of pipeline; and several low dams and dikes for diverting and reregulating flows.

The proposed project can be subdivided into four systems. The Rabbit Ears and Barber Basin System would include reservoirs, a pipeline, and the Gore Canyon Hydroelectric Power Station with an estimated installed capacity of 12,000 kW. The Yampa River and Morrison Creek System would include reservoirs, a pipeline, and pumping stations. The Rock Creek and Sheephorn System would include reservoirs, tunnels, pumping sta-

tions, and the McCoy Hydroelectric Power Station with an estimated installed capacity of 50,000 kW. The Little Sheephorn and Green Mountain System would include reservoirs, pumping stations, a pipeline, and tunnels which would partially divert water to Golden, Colorado for municipal and industrial uses.

The power developed by the project would be used by the City of Golden for various municipal purposes, including pumping water into and within the project works. Excess power will be sold or exchanged with Public Service Company of Colorado.

A preliminary permit does not authorize the construction of a project. A permit, if issued, gives the permittee during the period of the permit the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for license.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-7738 Filed 3-17-76; 8:45 am]

[Docket No. RP75-107]

GRANITE STATE GAS TRANSMISSION Settlement Agreement

MARCH 12, 1976.

Take notice that on March 3, 1976, in a hearing convened pursuant to Commission order, Granite State Gas Transmission (Granite State) tendered a stipulation and agreement in settlement of all issues in this proceeding and requested that the proposed settlement be certified to the Commission. Staff stated its support of the settlement. There were no other parties to the proceeding.

On March 4, 1976, the Presiding Administrative Law Judge certified the settlement proposal to the Commission, together with the evidentiary record of the proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power

Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7739 Filed 3-17-76;8:45 am]

[Docket No. CI75-602]

ROY M. HUFFINGTON, INC.
Order Granting Late Intervention

MARCH 12, 1976.

On April 9, 1975 Roy M. Huffington, Inc. (Huffington) filed a petition for permission under Section 7(b) of the Natural Gas Act to abandon the sale of gas to Michigan Wisconsin Pipe Line Company from the Lawson Field, Acadia Parish, Louisiana, covered under a contract dated June 6, 1966. Alternatively, Huffington requests authorization to abandon approximately 30 percent of the sale, attributable to the royalty interest shares of the gas, and to increase the price for the working interest share. A hearing was held in this proceeding on October 21, 1975 and reply briefs were filed on November 25, 1975.

A late notice of intervention has been filed by the State of Louisiana by its Commissioner of Conservation. Having reviewed the above notice of intervention we believe that the State of Louisiana has sufficient interest in the proceedings to warrant intervention.

The Commission finds:

(1) Since participation by the State of Louisiana will not delay the instant proceeding, good cause exists for accepting their late notice of intervention.

(2) Participation by the State of Louisiana may be in the public interest.

The Commission orders:

(A) The State of Louisiana is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding; and *Provided, further*, that the intervenor take the record as it now exists and that the late intervention will not be the basis of any delay in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7724 Filed 3-17-76;8:45 am]

[Docket No. CP74-296]

NATIONAL FUEL GAS SUPPLY CORP. (SUCCESSOR TO UNITED NATURAL GAS COMPANY)

Amendment to Application

MARCH 11, 1976.

Take notice that on February 26, 1976, National Fuel Gas Supply Corporation (National), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP74-296 an amendment to the application for a certificate of public convenience and necessity filed in said docket pursuant to Section 7(c) of the Natural Gas Act, which amendment substitutes National in lieu of United Natural Gas Company (United) as party applicant, deletes reference to an interdependent application initially said to be intended to be filed by Peoples Natural Gas Company (Peoples), and changes proposed delivery points, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In the initial application in the instant docket United proposed to transport and to exchange gas with Peoples. United was to receive gas into its Line N in Mercer County, Pennsylvania, and to redeliver gas to Peoples at a point upstream in Hopewell Township, Beaver County, Pennsylvania. National now states that it is the successor in interest to United, that contrary to the statement in the initial application National and Peoples no longer believe that Peoples need file an application with the Commission to participate in the exchange, that no gas is now proposed to be delivered to Peoples at Hopewell, and that deliveries to Peoples are now proposed to be made at an existing delivery point near Grove City in Mercer County.

Any person desiring to be heard or to make any protest with reference to said amendment to application should on or before April 7, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7730 Filed 3-17-76;8:45 am]

[Docket Nos. IT-6078 and E-6640]

NIAGARA MOHAWK POWER CORP.
Applications

MARCH 11, 1976.

Take notice that Niagara Mohawk Power Corporation (Applicant), incorporated under the laws of the State of New York with its principal place of business at Syracuse, New York, filed applications with the Federal Power Commission in Docket Nos. IT-6078 and E-6640 on February 2, 1976 for supplemental orders, pursuant to Section 202 (e) of the Federal Power Act, authorizing increases in the amounts and rates of transmission of electric energy which Applicant may transmit from the United States to Canada.

By Commission order issued July 15, 1974, in the above-entitled proceeding (52 FPC 122), Applicant was authorized in Docket No. IT-6078 to transmit electric energy from the United States to Canada in an amount not to exceed 3,000,000 Kwh per year at a rate of transmission not to exceed 800 Kw for sale and delivery to Quebec Hydro-Electric Commission (Hydro-Quebec) over certain 4,800 volt facilities of Applicant located at the international border between the United States and Canada near the Hamlet of Hogansburg, Franklin County, New York. Applicant's facilities are covered by its Presidential Permit signed by the President of the United States on January 31, 1948, as amended, Docket No. IT-6079.

The above-mentioned Commission order of July 15, 1974 also authorized Applicant in Docket No. E-6640 to transmit electric energy from the United States to Canada in an amount not to exceed 2,000,000 Kwh per year at a rate of transmission not to exceed 500 Kw for sale and delivery to Hydro-Quebec over certain 4,800 volt facilities of Applicant located at the international border between the United States and Canada near Hamlet of Chapman, Town of Fort Covington, Franklin County, New York. Applicant's facilities are covered by its Permit signed by the Chairman of the Commission on January 24, 1956, Docket No. E-6640.

Applicant now requests that the authorizations granted by Commission order of July 15, 1974, referred to above, be modified so as to authorize Applicant to export electric energy to Hydro-Quebec in an amount not to exceed 5,000,000 Kwh per year at a rate of transmission not to exceed 900 Kw in Docket No. IT-6078 and Docket No. E-6640, respectively, all for the purpose of meeting the growth in the electric service requirements of consumers served by Hydro-Quebec in the St. Regis Indian Reservation, Province of Quebec, Canada. The increased amounts of energy proposed to be exported will be sold and delivered by Applicant to Hydro-Quebec in accordance with the terms and conditions and at the rates and charges set forth and included in the rate schedule

which Applicant submitted as part of each of its applications.

The application submitted in Docket No. IT-6078 states that no change in the electric transmission facilities specified in Applicant's amended Presidential Permit, Docket No. IT-6079, is contemplated by reason of the proposed increases in the amount and transmission rate of electric energy exported by means of those facilities. The application submitted in Docket No. E-6640 states that certain changes will be made in the electric transmission facilities specified in Applicant's Permit, Docket No. E-6640, by reason of the proposed increases in the amount and transmission rate of energy exported over such facilities. Accordingly, by its application filed in Docket No. E-6640, Applicant is deemed to request, pursuant to Executive Order No. 10485, dated September 3, 1953, an amendment of its Permit in that docket which would authorize changes in the facilities described in the Permit, including the conversion from single-phase service to three-phase service, the addition of two wires, and an increase in voltage from 4,800 volts to 13,200 volts.

Applicant represents that the increased amounts of electric energy proposed for exportation to Hydro-Quebec are "relatively insignificant" when considered in the light of Applicant's total electric supply resources, which consist of its generating capacity and that portion of the generating capacity of other electric utilities, including Canadian electric systems, available to it.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 9, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The applications are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-7725 Filed 3-17-76; 8:45 am]

[Docket No. CP76-271]

NORTHERN NATURAL GAS CO.

Application

MARCH 11, 1976.

Take notice that on February 19, 1976, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-271 an application pursuant to Section 7(c) of the Natural Gas Act for a certifi-

cate of public convenience and necessity authorizing the delivery of natural gas to Michigan Wisconsin Pipe Line Company (Mich Wis) for delivery to and storage by Michigan Consolidated Gas Company (Consolidated) and redelivery to Applicant each year until April 1, 1991, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has entered into two gas storage agreements with Consolidated dated January 23, 1976, for the rendition of storage service by Consolidated from March 1, 1976, to April 1, 1991. Applicant states that pursuant to the two storage agreements 2.8 million Mcf and 5.0 million Mcf of natural gas would be stored per year. Both of the agreements are said to provide for Applicant to deliver or cause gas to be delivered to Mich Wis at Janesville, Wisconsin, in the period of March 1 through October 31 in each year (summer period) and for Consolidated to deliver gas to Mich Wis for redelivery to Applicant in the period of November 1 through March 31 (winter period) in each successive heating season.

Pursuant to the 2.8 million Mcf agreement, Applicant would deliver or cause to be delivered up to 14,000 Mcf of natural gas per day to Mich Wis in the summer period for delivery to and for storage by Consolidated. Applicant would also deliver to Mich Wis for compressor fuel a volume of gas equivalent to 5 percent of the volume delivered for storage. In the winter periods Consolidated would redeliver to Mich Wis natural gas stored by Applicant at the rate requested by Applicant up to the maximum daily quantity which would be (1) 56,000 Mcf per day until 85 percent of 2.8 million Mcf have been withdrawn or until March 1, whichever should occur first, and (2) thereafter 17,000 Mcf of gas per day; however Applicant would be obligated to take at least 955,000 Mcf by February 1 and 2, 355,000 Mcf by March 1. It is stated that the maximum volume of gas to be scheduled by Applicant for redelivery in February would be 1,400,000 Mcf and the maximum in March would be 445,000 Mcf. The redeliveries would be effected by Mich Wis' causing Great Lakes Gas Transmission Company (Great Lakes) to deliver gas to Applicant at existing points of interconnection of facilities of Great Lakes and Applicant near Carlton and Grand Rapids, Minnesota, and Wakefield, Michigan. Applicant would pay Consolidated \$132,230 per month for the storage service and would pay Mich Wis \$119,192 per month for the transportation service.

Pursuant to the 5.0 million Mcf storage agreement, Applicant would deliver or cause to be delivered up to 25,000 Mcf of natural gas per day to Mich Wis for redelivery and storage by Consolidated, plus a volume of natural gas equivalent to 5 percent of the volumes delivered as storage gas for use by Mich Wis as compressor fuel. Consolidated would redeliver such storage gas to Mich Wis for re-

delivery to Applicant in the subsequent winter period at the following rates:

Month	Percent of winter contract quantity	Maximum daily deliveries (1,000 ft ³)
November.....	25	62,500
December.....	30	75,000
January.....	25	62,500
February.....	15	41,666
March.....	5	12,500

The application states that Applicant may schedule for delivery in November and December gas volumes which would otherwise be delivered in January, February, and March. Redeliveries would be effected in the same manner as under the 2.8 million Mcf agreement. Applicant would pay Consolidated \$170,708.33 per month for the storage service and would pay Mich Wis \$78,847 per month for the transportation service.

Applicant states that the proposed storage service would assist it in providing its utility customers with the most reliable and adequate service possible to meet their high priority market requirements during the heating seasons.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-7732 Filed 3-17-76; 8:45 am]

[Docket No. RP75-81]

NORTH PENN GAS CO.**Order Granting Late Intervention**

MARCH 11, 1976.

On March 24, 1975, North Penn Gas Company (North Penn) filed a proposed permanent curtailment plan. On April 23, 1975, the Commission suspended the tariff sheets tendered by North Penn and deferred their use until April 25, 1975, and until such time as they are made effective in the manner prescribed by the Natural Gas Act. The tariff sheets were placed into effect on June 20, 1975, subject to refund. A pre-hearing conference was held in this proceeding on February 17 and February 19, 1975, and a hearing has been scheduled for May 26, 1976. Answering and Rebuttal testimony are due April 15, 1976 and May 6, 1976, respectively.

An untimely petition to intervene was filed by Corning Glass Works on February 13, 1976. Having reviewed the above petition to intervene we believe that Corning Glass Works has sufficient interest in the proceedings to warrant intervention.

The Commission finds: (1) Since participation by Corning Glass Works will not delay the instant proceeding, good cause exists for accepting their late petition to intervene.

(2) Participation by Corning Glass Works may be in the public interest.

The Commission orders: (A) Corning Glass Works is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interest as specifically set forth in the petition to intervene; *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding; and *Provided, further,* that the intervenor take the record as it now exists and that the late intervention will not be the basis of any delay in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7733 Filed 3-17-76;8:45 am]

[Docket No. ES76-42]

PACIFIC POWER & LIGHT CO.**Application**

MARCH 12, 1976.

Take notice that on March 8, 1976, Pacific Power & Light Company (Applicant), a corporation organized under the laws of the state of Maine and qualified to transact business in the states of Oregon, Wyoming, Washington, Califor-

nia, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order (1) authorizing Applicant to assume liability indirectly as guarantor for the payment of up to \$215,000,000 in an aggregate principal amount of Interim Notes to be issued by Wyodak Construction Company, Inc. pursuant to a Loan Agreement; (2) authorizing Applicant to directly guarantee or assume the obligations of Wyodak Construction Company, Inc., in an aggregate principal amount of up to \$215,000,000; (3) authorizing Applicant to issue Term Notes of not exceeding \$215,000,000 in an aggregate principal amount pursuant to said Loan Agreement, upon the occurrence of certain conditions; and (4) disclaiming jurisdiction with respect to or authorizing the proposed sale and repurchase of the Wyodak Steam Electric Generating Facility located near Gillette, Wyoming, and the advancing or loaning of funds to Wyodak Construction Company, Inc.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 9, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7726 Filed 3-17-76;8:45 am]

[Docket No. ER76-398]

PENNSYLVANIA POWER & LIGHT CO.**Order Accepting for Filing and Suspending Proposed Rate Changes, Granting Interventions, Providing for Hearing and Establishing Procedures**

MARCH 11, 1976.

On December 29, 1975, Pennsylvania Power & Light Company (PP&L) tendered for filing revised fuel adjustment clauses applicable to fifteen wholesale customers.¹ The purpose of the subject filing is to comply with the Commission's Order No. 517 issued November 13, 1974, in Docket No. R-479. Based upon the 12-month period ending January 31, 1976, it is estimated that the revised fuel clauses will increase jurisdictional revenues from these fifteen customers by \$6,418 (.07%). PP&L requests that the revised fuel clauses become effective February 1, 1976.

¹ See Appendix for list of affected customers and rate schedule designations.

Public notice of PP&L's filing was issued on January 7, 1976, with protests or petitions to intervene due on or before January 19, 1976.

On January 26, 1976, the Boroughs of Ephrata, Quakertown, Watsonstown, Perkaspie, Saint Clair, Hatfield, Catawissa, Lehigh, Weatherly, and Schuylkill Haven, Pennsylvania (Petitioners) filed a joint protest and petition to intervene. Petitioners claim that the fuel adjustment clauses proposed by PP&L herein may be unjust, unreasonable, and unduly discriminatory and preferential.

By letter dated January 23, 1976, the Acting Secretary of the Commission advised PP&L that its filing was deficient and that pending receipt of additional information as specified therein, a filing date would not be assigned. The filing was completed on February 12, 1976, upon receipt of the requested information.

It is noted that a question exists as to whether the proposed fuel clause comply with Section 35.14(a)(2)(iv) of the Commission's Regulations regarding fuel costs recovered through inter-system sales. Issues such as this should be further developed in the context of an evidentiary hearing as hereinafter ordered.

Our review indicates that the proposed fuel adjustment clauses have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall suspend the proposed rate for one day and establish hearing procedures.

The Commission finds: (1) Good cause exists to accept for filing the proposed rate schedule changes as designated in the attached Appendix and to suspend them for one day until March 15, 1976, when they shall become effective subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of PP&L's rate schedules as proposed to be revised herein.

(3) Good cause exists to allow Petitioners to intervene in this proceeding.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the lawfulness of PP&L's rate schedules as proposed to be revised herein.

(B) Pending a hearing and final decision thereon, PP&L's proposed rate schedule changes as designated in the attached Appendix, shall be accepted for filing and suspended for one day, to become effective March 15, 1976, subject to refund.

(C) A Presiding Administrative Law Judge to be designated by the Chief Ad-

Administrative Law Judge for that purpose, (See Delegation of Authority, 13 CFR 3.5(d)), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(D) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding to be held on April 2, 1976, at 9:30 A.M., at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(E) Petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petition to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

PENNSYLVANIA POWER & LIGHT COMPANY

Effective: March 15, 1976 (subject to refund).

Description: Revised Fuel Adjustment Clause.

Designations and other party

Supplement No. 8 to Rate Schedule FPC No. 28 (Supersedes Supplement No. 7), Borough of Watertown.

Supplement No. 8 to Rate Schedule FPC No. 32 (Supersedes Supplement No. 7), Borough of Duncannon.

Supplement No. 6 to Rate Schedule FPC No. 45 (Supersedes Supplement No. 5), Borough of Blakely.

Supplement No. 6 to Rate Schedule FPC No. 50 (Supersedes Supplement No. 5), Borough of Weatherly.

Supplement No. 6 to Rate Schedule FPC No. 51 (Supersedes Supplement No. 5), Borough of Schuylkill Haven.

Supplement No. 4 to Rate Schedule FPC No. 54 (Supersedes Supplement No. 3), Borough of Perkasee.

Supplement No. 4 to Rate Schedule FPC No. 55 (Supersedes Supplement No. 3), Borough of Millburg.

Supplement No. 4 to Rate Schedule FPC No. 56 (Supersedes Supplement No. 3), Borough of Saint Clair.

Supplement No. 4 to Rate Schedule FPC No. 57 (Supersedes Supplement No. 3), Borough of Catawissa.

Supplement No. 4 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 3), Borough of Ephrata.

Supplement No. 4 to Rate Schedule FPC No. 59 (Supersedes Supplement No. 3, Borough of Hatfield).

Supplement No. 4 to Rate Schedule FPC No. 60 (Supersedes Supplement No. 3), Borough of Quakertown.

Supplement No. 4 to Rate Schedule FPC No. 61 (Supersedes Supplement No. 3), Citizens Electric Company of Lewisburg.

Supplement No. 5 to Rate Schedule FPC No. 63 (Supersedes Supplement No. 4), Borough of Lehighton.

Supplement No. 1 to Rate Schedule FPC No. 65, Borough of Olyphant.

[FR Doc.76-7742 Filed 3-17-76;8:45 am]

[Docket No. CP73-297]

TEXAS EASTERN TRANSMISSION CORP.

Petition to Amend

MARCH 11, 1976.

Take notice that on February 17, 1976, Texas Eastern Transmission Corporation (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP73-297 a petition to amend the order of the Commission of December 10, 1973 (50 FPC 1850), issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act to include therein the authorization for Petitioner to construct and operate a new point for the previously certificated exchange of natural gas with Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that Natural delivers natural gas to Petitioner committed to Natural from the Jacintoport Field, Harris County, Texas, at a point on Applicant's 8-inch Hastings line, and that Petitioner redelivers an equivalent volume of natural gas to Natural at the intersection of Natural's 12-inch Chocolate Bayou Lateral and Petitioner's 30-inch McAllen line in Brazoria County, Texas. Petitioner alleges that it is filing concurrently with the instant petition to amend an application for permission and approval to abandon the Hastings line for use as a common carrier products transportation line.

Petitioner states that because of the proposed abandonment of the present delivery point from Natural to it, Petitioner proposes to construct and operate approximately 2 miles of 3-inch pipeline and a tap and valve assembly to receive the exchange gas from Natural from the Jacintoport Field into Petitioner's 30-inch McAllen-Vidor line in Harris County, Texas. Petitioner estimates that the cost of the proposed facilities would be approximately \$287,014, which costs would be borne by Petitioner's Products Pipeline Division as a part of the cost of converting the Harris line into a common carrier products transmission line.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 7, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the

Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7728 Filed 3-17-76;8:45 am]

[Docket Nos. RP75-75 (AP75-5) and (AP 76-6); Docket Nos. RP72-99, RP75-75 (EPGA 76-2)]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Granting Application for Rehearing in Part, Establishing Procedures, Consolidating Proceedings, and Amending Prior Orders

MARCH 12, 1976.

On January 30, 1976, the Commission issued an order in the above-referenced docket which, inter alia, rejected certain tariff sheets filed by Transcontinental Gas Pipe Line Corporation (Transco) because the sheets reflected costs associated with advance payments made pursuant to contracts which did not conform to the requirements of Order 529¹ and 529-A.² On February 13, 1976 Transco filed an application for rehearing of the January 30 order together with a request for an immediate stay of the order.

The January 30 order identified three contracts which did not conform to the requirements of Orders 529 and 529-A. One of the three contracts is between Skelly Oil Company (Skelly) and Transco under which advance payments of \$21,640,000 had been made to Skelly. The Commission found that the contract did not require Skelly to accept the just and reasonable rate which the Commission establishes for the sale. The Commission based this finding on contract language which allows Skelly to reject a certificate if the terms and conditions of the certificate are not acceptable to Skelly. The Commission found that this language also included the right to reject a certificate on the basis of price. However, in its application for rehearing, Transco argues that under the contract Skelly has bound itself to accept the Commission-set just and reasonable rate. In support of its interpretation Transco points to the following language:

In each gas purchase contract the price schedule shall contain an initial price limited to the "just and reasonable rate" in effect under Federal Power Commission rules and regulations at the time first delivery is to occur hereunder. . . . Notwithstanding the foregoing provisions of this Section 5,

¹ Issued June 17, 1975.

² Issued August 15, 1975.

the parties may agree to an initial price and escalations which would allow the producer to seek authorization by the Federal Power Commission to collect a rate, in excess of any rate which might be determined pursuant to the foregoing, under the provisions of optional pricing, special relief or any other Federal Power Commission order which sets forth an applicable procedure for producer to collect a price higher than the area or national rate * * * (Emphasis supplied)

Transco argues that such language requires Skelly to accept the just and reasonable rates. Thus, if the Commission sets a just and reasonable rate, Skelly may not reject the contract because the price term is unacceptable (subject to Skelly's right to seek a higher rate from the Commission). In addition, Transco has attached to its application a copy of a letter from Skelly in which Skelly offers a similar interpretation of the contract.

Based upon the foregoing, and after further review of the contract language, it has been determined that the Transco-Skelly contract conforms with the requirement of Order 529 that the producer must agree to accept the Commission prescribed just and reasonable rate. However, our review of the contract indicates that the advances reflected therein may not be reasonable and appropriate under Order 499 in that they have not been shown to be reasonably related to costs incurred by the producer within a reasonable time from the date the advance is made. Accordingly, Transco shall be permitted to collect costs related to the Skelly contract, subject to refund, as of February 1, 1976, and a hearing shall be established to determine the reasonableness and appropriateness of such advance.

The other two contracts which the January 30 order found did not conform to Order 529 were both contracts between Transco and Transco's affiliate, Transco Exploration Company (Exploration). These two contracts do not contain an agreement by the producer to sign a gas purchase contract for a term of fifteen years or the life of the lease. In its application for rehearing, Transco argues that the contracts call for a perpetual dedication to Transco of the gas produced under the contracts. Thus, while not in technical compliance, Transco argues that the contracts comply with the spirit of Order 529 in that there is no possibility of the interstate market losing the gas.

Order No. 529 required advance payments subject to its provisions to be made pursuant to

* * * a long-term contract which is for a minimum initial term computed as the lesser of fifteen years or the life of the reserve [sic] in the field * * *

The purpose of this provision is to assure long term dedication of gas to a pipeline making an advance payment. Thus, upon reconsideration, it is hereby determined by the Commission that the two advance payments contracts with

Transco Exploration are in compliance with the "long-term contract" requirement of Order 529 in that the two contracts provide for perpetual dedication of the gas which is the subject of the contracts to Transco. However, our review of the two contracts indicates that the advances reflected therein may not be reasonable and appropriate under Order 499 in that they have not been shown to be reasonably related to costs incurred by the producer within a reasonable time from the date the advance is made. Accordingly, Transco shall be permitted to collect costs related to the advances made pursuant to the two contracts with Transco Exploration, subject to refund, as of February 1, 1976, and a hearing shall be established to determine the reasonableness and appropriateness of such advances.

To avoid a multiplicity of hearings on Transco advance payment matters, it is reasonable and appropriate that the hearings ordered herein be consolidated for purposes of hearing and decision with the hearing prescribed by order issued February 27, 1976, in Docket No. RP75-75 (AP76-6), and that procedural schedule established in that docket be modified, as provided below.

Furthermore, it is necessary and appropriate that the February 27, 1976, order in Docket No. RP75-75 (AP76-6) and the February 27, 1976, order in Docket Nos. RP72-99, RP75-75 (EPGA 76-2) be amended to permit Transco to collect costs associated with: advances made pursuant to the Skelly contract and advances made pursuant to two Transco Exploration contracts subject to refund pending the results of the hearing prescribed in the instant order.

On March 3, 1976, the Commission issued a temporary stay of the January 30, 1976, order in Docket No. RP75-75 (AP76-5) and permitted Transco to collect the disputed advance payments costs, subject to refund, as of February 1, 1976, pending Commission action on Transco's application for rehearing. The stay also applied to the two orders issued on February 27, 1976, in Docket Nos. RP72-99, RP75-75 (EPGA 76-2) and in Docket Nos. RP75-75 (AP76-6). Consistent with action taken herein, the temporary stay is dissolved.

The Commission finds: (1) Transco's February 13, 1976, application for rehearing is granted as hereinafter ordered and conditioned.

(2) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that costs related to the advance payments made to Skelly and the advance payments to Transco Exploration be collected, subject to refund, as of February 1, 1976; that hearing procedures be established to determine the reasonableness and appropriateness of the subject advances; and that the hearing in the instant docket be consolidated for purposes of hearing and decision with the hearing ordered in Docket No. RP75-75 (AP76-6).

(3) Good cause exists to dissolve the temporary stay issued March 3, 1976,

concerning the Commission's orders issued January 30, 1976, in Docket No. RP75-75 (AP76-5) and the orders issued February 27, 1976, in Docket Nos. RP72-99, RP75-75 (EPGA 76-2) and in Docket No. RP75-75 (AP76-6) consistent with the action taken therein on Transco's application for rehearing.

The Commission orders: (A) Transco's February 13, 1976, application for rehearing is granted to the extent that Transco will be permitted to collect costs associated with the Skelly Contract and the two contracts with Transco Exploration subject to refund, as of February 1, 1976, pending the results of a hearing, which we hereby order, to determine the reasonableness and appropriateness of the costs associated with such advances.

(B) The hearing prescribed in Ordering Paragraph (A) is hereby consolidated for purposes of hearing and decision with the hearing ordered in Docket No. RP75-75 (AP76-6) and the consolidated proceedings shall be docketed as Docket Nos. RP75-75 (AP76-5) and (AP76-6). The date for service of Transco's evidence in the consolidated proceedings shall be April 20, 1976. The initial conference shall be scheduled for 9:30 A.M., on May 6, 1976, in accordance with the procedures prescribed in the February 27, 1976, order in Docket No. RP75-75 (AP76-6).

(C) The temporary stay issued March 3, 1976, concerning the Commission's orders issued January 30, 1976, in Docket No. RP75-75 (AP76-5) and the orders issued February 27, 1976, in Docket Nos. RP72-99, RP75-75 (EPGA 76-2) and in Docket No. RP75-75 (AP76-6) is dissolved consistent with the action taken herein with respect to Transco's February 13, 1976, application for rehearing.

(D) The Commission's orders issued on February 27, 1976, in Docket No. RP75-75 (AP76-6) and in Docket Nos. RP72-99, RP75-75 (EPGA 76-2) are hereby amended to permit Transco to collect costs associated with advances made pursuant to the Skelly contract and advances made pursuant to the two Transco Exploration contracts subject to refund, pending the results of the hearing prescribed in the instant order.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7721 Filed 3-17-76; 8:45 am]

[Docket Nos. RP73-35 and RP74-89 (PGA76-1 and AP76-2)]

TRUNKLINE GAS CO.

Order Granting Intervention

MARCH 11, 1976.

On December 15, 1975, Trunkline Gas Company tendered for filing Fourteenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1 that amounts to a rate increase of 3.60 cents per Mcf. Notice of this tender was issued on January 6, 1976, with protests and

* Order 529 (mimeo p. 9).

petitions to intervene due on or before January 23, 1976. On January 22, 1976, Consumers Power Company (Consumers) filed a timely petition to intervene. Having reviewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

The Commission finds: Participation by the above-named petitioner in this proceeding may be in the public interest.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order orders of this Commission entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7731 Filed 3-17-76;8:45 am]

[Docket No. CS69-28, et al.]

THE FORT WORTH NATIONAL BANK
Applications for "Small Producer"
Certificates¹

MARCH 10, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS68-28...	Feb. 20, 1976...	The Fort Worth National Bank, trustee trust No. 2075, and Mrs. Mary Leonard (successor to Mr. J. M. Leonard), P.O. Box 2605, Fort Worth, Tex. 76101.
CS76-502...	Feb. 23, 1976...	Karis Oil Co., Inc., 6607 Orchid Lane, Dallas, Tex. 75230.
CS76-503...	Feb. 25, 1976...	David Price, 1301 Post Oak Park Dr., Houston, Tex. 77027.
CS76-504...	do.....	Kathrine Kirk Wilson, 600 Avondale, Amarillo, Tex. 79106.
CS76-505...	Feb. 23, 1976...	Southport Exploration, Inc., 124 East 4th St., Suite 200, Tulsa, Okla. 74103.
CS76-506...	Feb. 26, 1976...	Harry T. Pringle, Jr., 5500 El Camino Del Rey, No. 413, Houston, Tex. 77081.
CS76-507...	do.....	T. K. Jackson, Jr., P.O. Box 173, Mobile, Ala. 36601.
CS76-508...	do.....	Helke Exploration Co., 2601 Northwest Expressway, Suite 307, Oklahoma City, Okla. 73112.
CS76-509...	do.....	J. & L. Oil Corp., 17566 County Rd. 30, Sterling, Colo. 80751.
CS76-510...	Mar. 1, 1976...	Rio Resources Corp., 1101 South Post Oak, No. 218, Houston, Tex. 77027.
CS76-511...	do.....	Willbur C. Bradley, trustee, 1009 Union Center, Wichita, Kans. 67202.
CS76-512...	do.....	J. C. Dozier, 300 East Hampden Ave., Suite 204, Englewood, Colo. 80110.
CS76-513...	do.....	W. E. Hester, Jr., P.O. Box 1037, Jackson, Miss. 39205.
CS76-514...	do.....	Marine Contractors & Supply, Inc., 3637 West Alabama, Suite 100, Houston, Tex. 77027.
CS76-515...	do.....	F. George Heinze III, trustee of the F. George Heinze III Children's Home, P.O. Box 1227, Tulsa, Okla. 74193.
CS76-516...	do.....	Eileen H. and Gianglorio Romano, trustees of the Eileen H. Romano Trust, P.O. Box 1227, Tulsa, Okla. 74193.
CS76-517...	do.....	Patricia H. Waschka and Ronald W. Waschka, co-trustees of the Patricia H. Waschka Trust, P.O. Box 1227, Tulsa, Okla. 74193.
CS76-518...	do.....	Mary Ann Heinze Romano, trustee of the Sergio Romano Children's Trust, P.O. Box 1227, Tulsa, Okla. 74193.
CS76-519...	do.....	Eileen H. Globensky, trustee of the Eileen H. Globensky Children's Trust, P.O. Box 1227, Tulsa, Okla. 74193.

Docket No.	Date filed	Applicant
CS76-520...	do.....	The 1st National Bank & Trust Co. of Tulsa and John V. Hanney, co-trustees of the John V. Hanney Trust, P.O. Box 1227, Tulsa, Okla. 74193.
CS76-521...	do.....	J. V. Hanney and 1st National Bank of Tulsa, co-trustees of the Colette H. Johnstone, P.O. Box 1227, Tulsa, Okla. 74193.

[FR Doc.76-7592 Filed 3-17-76;8:45 am]

FEDERAL RESERVE SYSTEM

DAKOTA BANCORPORATION
COLUMBUS INSURANCE AGENCY, ET AL.
Proposed Retention

Dakota Bancorporation, Rapid City, South Dakota, has applied, pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4 (b) (2) of the Board's Regulation Y, for permission to retain the Columbus Insurance Agency, Columbus, North Dakota and the assets of Ted Forthun Insurance Agency, Columbus, North Dakota ("Forthun"), and Darras Insurance Agency, Columbus, North Dakota ("Darras"). The assets of the latter two agencies were acquired without the prior approval of the Board of Governors. Notice of the application was published on February 5, 1976 in The Burke County Tribune, a newspaper circulated in Columbus, North Dakota.

Applicant states that it, doing business as Columbus Insurance Agency, Columbus, North Dakota, has assimilated the assets of Forthun and Darras and would continue to engage in the activity of the sale of general insurance in Columbus, North Dakota, a community having a population of less than 5,000. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System,

Washington, D.C. 20551, not later than April 8, 1976.

Board of Governors of the Federal Reserve System, March 11, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc. 76-7744 Filed 3-17-76; 8:45 am]

FIRST NATIONAL CHARTER CORP.

Order Approving Acquisition of Bank

First National Charter Corporation, Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842 (a) (3)) to acquire 51 percent or more of the voting shares of The Bank of Ladue, Ladue, Missouri ("Bank").

The application has been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under the provisions of section 265.2(f) (24) of the Rules Regarding Delegation of Authority.

Notice of the application, providing an opportunity for interested persons to submit comments and views with respect to the proposal, has been given in accordance with section 3(b) of the Act (41 Federal Register 4075 (1976)). Time for filing comments and views has expired and none has been received. The Reserve Bank has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Missouri, controls 17 operating banks with aggregate deposits of \$837.3 million, representing 5.19 percent of total deposits in commercial banks in the State.¹ Acquisition of Bank (\$13.9 million in deposits) would increase Applicant's share of deposits only slightly and would not result in a significant increase in the concentration of banking resources in Missouri. Applicant's ranking among banking organizations in the State would remain unchanged.

Bank is the 116th largest of 182 banks in the St. Louis banking market² and holds .17 percent of the total deposits therein. Applicant is the eleventh largest banking organization and tenth largest multibank holding company in the relevant market, with four existing subsidiary banks controlling 1.73 percent of total market deposits. Although Applicant's share of market deposits would increase only slightly upon consummation of the proposal, its rank among banking organizations in the market would change from eleventh to tenth.

Three of Applicant's subsidiary banks are located within 25 miles of Bank. There is a slight overlap in the service areas of Bank and one of these subsidiary banks, but it appears that the amount of competition which would be eliminated between the two is negligible. This factor is not considered significantly adverse. Further, it appears that no significant competition exists between Bank and any of Applicant's other subsidiaries. While Applicant has the resources to expand de novo into the Ladue area, it appears from the record that such expansion is not a feasible alternative at the present time. Therefore, on the basis of the record, the Reserve Bank concludes that consummation of the proposal would not have significant adverse effects upon existing or future competition in any relevant area; accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant, its subsidiary banks, and Bank are considered to be satisfactory, and future prospects for each appear favorable. Banking factors are consistent with approval of the application. Affiliation with Applicant would enable Bank to utilize Applicant's resources and expertise to improve Bank's operations, particularly with regard to personnel, credit analysis, and internal operations. In addition, Applicant would be in a position to contribute additional capital to Bank and assist it in acquiring successor management should these needs arise in the future. These considerations relating to the convenience and needs of the community to be served lend weight to approval of the application. It is the Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

MARCH 8, 1976.

[FR Doc. 76-7745 Filed 3-17-76; 8:45 am]

TEXAS AMERICAN BANCSHARES, INC.

Order Approving Acquisition of Bank

Texas American Bancshares, Inc., Fort Worth, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire 100 percent, less directors' qualifying shares, of the successor by merger to Galleria Bank ("Bank"), Houston, Texas. The bank into which Bank is to be merged has no significance except as a means to facili-

tate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act (12 U.S.C. 1842(b)). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest banking organization in Texas, controls 9 banks with aggregate deposits of \$1.3 billion, representing approximately 3.0 percent of the total commercial bank deposits in the State.¹ Consummation of this proposal would increase Applicant's share of Statewide deposits by approximately .1 percent and would not have a significant effect upon the concentration of banking resources in the State.

Bank is the 53rd largest of 142 banking organizations competing in the Houston banking market² and holds approximately \$33 million in deposits, or about .3 percent of the total commercial bank deposits in the market. Applicant is the ninth largest banking organization in the Houston market and controls two subsidiary banks with approximately 1.7 percent of the total market deposits. The three largest banking organizations in the market control, respectively, approximately 21, 18, and 10 percent of total market deposits. Applicant's acquisition of Bank would thus not have a significant effect on banking structure within the market, as Applicant's market share would increase to only 2 percent of the total market deposits.

Applicant's banking subsidiaries in the Houston market are Southern National Bank of Houston, Houston, Texas ("Southern Bank"), and Gulf Southern National Bank, Houston, Texas ("Gulf Bank"), a de novo bank opened on October 1, 1975. Gulf Bank and Bank are located about 15 miles apart and because of their relatively small sizes and their locations no service area overlap exists. Although Southern Bank, which is located in downtown Houston approximately 10 miles east of Bank which is located in a suburban shopping center, does derive some deposits from Bank's service area, in view of the distance between the two banks, the number of intervening banks, and the number of banking organizations competing in the market, it appears that consummation of the proposal would not result in the elimination of significant existing competition between Bank and Southern Bank.

It does not appear likely that significant competition would develop between

¹ All banking data are as of June 30, 1975.

² The Houston banking market is approximated by the Houston SMSA (Standard Metropolitan Statistical Area), which encompasses Harris County and five adjacent counties.

¹ All banking data are as of June 30, 1975, and are adjusted to reflect holding company acquisitions approved by the Board through February 20, 1976.

² The St. Louis Banking market is approximated by the St. Louis SMSA which includes Franklin, Jefferson, St. Charles, and St. Louis Counties and the City of St. Louis in Missouri, and Clinton, Madison, Monroe, and St. Clair Counties in Illinois.

Bank and any of Applicant's banking subsidiaries in the foreseeable future due to the distances between Bank and Applicant's subsidiaries, the large number of intervening banks in the market, and Texas' branching laws. Furthermore, since the ratio of population to banking offices in the Houston banking market exceeds the Statewide average, the market would continue to be attractive to de novo entry, and numerous medium-sized banks would remain as possible vehicles for foothold entry by other expanding bank holding companies. The Board concludes, therefore, that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval. Applicant's acquisition of Bank would give Bank access to Applicant's banking expertise, particularly in the areas of consumer credit, credit cards, commercial loans, and trust services. Considerations relating to the convenience and needs of the community to be served thus lend some weight toward approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

In considering this proposal, the Board expressed concern over the fact that several of the directors of Bank are also directors of other depository institutions located in the Houston banking market. The Board has each year since 1970 recommended to the Congress that it amend Section 8 of the Clayton Act in order to explicitly prohibit interlocks between any depository institutions in the same or an adjacent community.² In the Board's judgment, the potential conflicts of interest and anticompetitive implications of such interlock situations will generally outweigh the likelihood of public benefits resulting from such interlocks.

Even where interlocks are not prohibited by law, the Board may consider the possible effects of such interlocks in light of the factors set forth in section 3(c) of the Act. In particular, the Board may consider whether the interlocks involved in a proposal would be likely to have clear anticompetitive effects within a relevant market, would bear adversely on the managerial resources of an applicant or bank involved or would result in a control relationship not sanctioned under the Act. In this regard, the Board has in the past made the severance of interlocks a condition of approval in a situation where directors and officers of a bank to be acquired by a bank holding company held similar positions in competing banks in the relevant market and exercised control over such competing banks.⁴ The record of this application

would not appear to support a determination requiring the severance of any of the particular interlocks involving Bank.

Accordingly, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,
effective March 11, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.
[FR Doc.76-7746 Filed 3-17-76; 8:45 am]

FEDERAL TRADE COMMISSION GENERAL COUNSEL AND ASSISTANT DIRECTOR FOR FINANCIAL STATISTICS Delegation of Authority

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961 (26 FR 6191), the Federal Trade Commission has amended its delegation of authority published March 25, 1971 (36 FR 5641), and has made further delegations of authority as hereinafter set forth:

(1) In re: Compliance with the Quarterly Financial Reporting Program.

The Commission delegates to the Assistant Director for Financial Statistics, Bureau of Economics, without power of redelegation, the authority to issue, in the name of the Commission, all Orders to File Special Reports in the form approved by the Commission and Notices of Default under the Commission's quarterly financial reporting program.

The Commission further delegates to the General Counsel, without power of redelegation, the authority to institute enforcement proceedings on behalf of the Commission pursuant to section 9 of the Federal Trade Commission Act, 15 U.S.C. § 49, and to request on behalf of the Commission the institution of civil actions pursuant to section 10 of the Federal Trade Commission Act, 15 U.S.C. § 50, as appropriate in conjunction with the Commission's quarterly financial reporting program, if the return date or any extension thereof has passed.

(2) In re: Compliance with Subpoenas.

The Commission delegates to the General Counsel, without power of redelegation, the authority to institute, on behalf of the Commission, an enforcement proceeding pursuant to section 9 of the Federal Trade Commission Act, 15 U.S.C. § 49, in connection with the failure or refusal of a person, partnership, or corporation to comply with, or to obey, a subpoena issued pursuant to said sec-

Iowa, and United Home Bank & Trust Company, Massena City, Iowa, and of the related application to acquire the assets of LuVerne Insurance Agency, LuVerne, Iowa, 38 FR 29366.

² Voting for this action: Chairman Burns and Governors Gardner, Coldwell, and Jackson. Absent and not voting: Governors Holland, Wallich, and Partee.

tion, if the return date or any extension thereof has passed.

(3) In re: Compliance with Orders to File Section 6(b), FTC Act Reports

The Commission delegates to the General Counsel, without power of redelegation, the authority to approve and have prepared and issued, in the name of the Commission when deemed appropriate by the General Counsel, a Notice of Default pursuant to section 10 of the Federal Trade Commission Act, 15 U.S.C. § 50, in connection with the failure of a person, partnership, or corporation to timely file a report pursuant to an order under section 6(b) of the Federal Trade Commission Act, 15 U.S.C. § 46(b), if the return date or any extension thereof has passed.

The Commission further delegates to the General Counsel, without power of redelegation, the authority to institute, on behalf of the Commission, an enforcement proceeding pursuant to section 9 of the Federal Trade Commission Act, 15 U.S.C. § 49, and to request, on behalf of the Commission, the institution, when deemed appropriate by the General Counsel, of a civil action pursuant to section 10 of the Federal Trade Commission Act, 15 U.S.C. § 50, in connection with the failure of a person, partnership, or corporation to timely file a report pursuant to an order under section 6(b) of the Federal Trade Commission Act, 15 U.S.C. § 46(b), if the return date or any extension thereof has passed.

By direction of the Commission dated

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-7701 Filed 3-17-76; 8:45 am]

GOVERNMENT PRINTING OFFICE DEPOSITORY LIBRARY COUNCIL TO THE PUBLIC PRINTER Meeting

The Depository Library Council to the Public Printer will meet on April 22 and 23, 1976, at the Christopher Inn, 300 East Broad Street, Columbus, Ohio.

The purpose of this meeting is to discuss the Depository Library Program.

The meeting will be open to the public. Any member of the public who wishes to attend shall notify Mr. J. D. Livsey, Head, Library and Statutory Distribution Service, Government Printing Office, Washington, D.C. 20401 (Telephone Area Code 703-557-2050).

General participation by members of the public, or questioning of Council members or other participants, shall be permitted with approval of the Chairman.

Dated: March 10, 1976.

T. F. MCCORMICK,
Public Printer.

[FR Doc.76-7749 Filed 3-17-76; 8:45 am]

² See p. 242 of the Board's 1974 Annual Report to Congress.

⁴ See the Board's Order of October 12, 1973 involving a conditional approval of the applications of Central National Bancshares, Inc., Des Moines, Iowa, to acquire voting shares of The Security State Bank, Algona,

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-12]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aircraft Accident Report. The National Transportation Safety Board has released its report on the fatal crash of a Wolfe Industries, Inc., Beech 65-A90 King Air on the campus of American University in Washington, D.C., January 25, 1975. The report, No. NTSB-AAR-76-4, was released March 12, 1976. On a 3 to 2 vote, the majority of the Board determined that the probable cause of the accident was an unauthorized descent below the published minimum approach segment altitude during an instrument approach in instrument meteorological conditions for reasons undetermined. While recognizing that Air Traffic Control should have issued crossing altitude restrictions with the approach clearance and should have issued a more timely safety advisory, the majority, however, was unable to conclude that the issuance of such altitude restrictions and safety advisory in these circumstances would have prevented the occurrence of the accident.

In the dissenters' opinion, the probable cause was "an unauthorized descent below the published minimum approach segment altitude during an approach in instrument meteorological conditions, and the failure of ATC to defer clearance, issue altitude restrictions, or issue a timely safety advisory." The minority further held that it is logical to conclude that had the Beech pilot received "either altitude restrictions or a deferred clearance, and had he been given a more timely advisory, he would have responded in such a way that the accident probably would have been averted."

As a result of the Trans World Airlines Flight 514 accident at Berryville, Virginia, on December 1, 1974, a number of recommendations pertaining to the air traffic control system were submitted to the Federal Aviation Administration. (See 41 FR 4365, January 29, 1976.) One of these recommendations, No. A-75-52 (40 FR 25861, June 19, 1975), concerning the issuance of safety advisories, is cited as relevant to the subject accident, and is reproduced in the report. FAA's response was reported August 7, 1975, at 40 FR 33287.

Aviation Safety Recommendation Letters. Three letters were issued to the Federal Aviation Administration early last week, two prompted by the investigation of the aborted takeoff of Overseas National Airways Flight 032 at John F. Kennedy International Airport (JFK) in New York last November 12, and the third resulting from the Piper PA-31 incident in flight near Baltimore Washington International Airport last August 27.

Recommendations A-76-8 through 14, issued March 8, are aimed at eliminating the bird-strike problem at JFK, La Guardia, and Newark International air-

ports. Investigation of the Overseas DC-10-30 accident indicated that the aircraft caught fire during the takeoff roll after encountering a flock of sea gulls which had been on the runway. The Safety Board recommends that FAA (1), in co-operation with the Port Authority of New York and New Jersey, expedite the following actions: (a) determine weather and ocean tide conditions, seasonal factors, migratory patterns, and daily movement patterns which could be used to forecast periods of greatest bird hazards at the Port Authority of New York and New Jersey airports and take effective actions to disperse the birds before use of the affected runways is permitted; (b) remove the abandoned runway 7-25 pier at JFK; (c) remove the bird attraction to the beach adjacent to the south and east boundaries of the airport by eliminating the beach through gravel fill, dredging, a seawall or other appropriate means; and (d) drain the Chapel Pond at JFK; (2) require a physical inspection of a runway and adjacent areas at each controlled airport certificated under 14 CFR 139 which has a recognized bird-hazard problem on each occasion before: (a) designating that runway as the active runway, or (b) allowing takeoffs from other than the active runway; (3) frequently review the operations manual for each airport certificated under 14 CFR 139 which has a recognized bird-hazard problem to assure that provisions of their bird-hazard reduction program are adequate; (4) require that a specially trained, staffed, and equipped bird-dispersal organization be established at each controlled, certificated airport with a recognized bird-hazard problem; (5) amend 14 CFR 139.67 to require that, where the Administrator finds that a bird hazard exists, an ecological study be conducted to determine the measures necessary for an effective bird-hazard reduction program; (6) revise FAA Form 5280-3, Airport Certification Safety Inspection, to include more detailed criteria for use by airport certification specialists to evaluate the bird-hazard potential at an airport; and (7) assist and encourage the Port Authority to implement the recommendations, contained in the previous ecological studies of Port Authority airports. (The remedial measures offered by these studies are specified for JFK, La Guardia, and Newark International airports.)

Investigation of the Overseas accident also revealed that an unsafe seatbelt restraint system is being used on rearward-facing flight attendant seats on the DC-10 aircraft. Recommendations A-76-15 and 16, also issued March 8, recommend that the FAA (1) rescind the Technical Standard Order approving the American Safety, Inc., dual retractor restraint system until it is modified so that the seatbelt cannot release inadvertently; and (2) issue an airworthiness directive to prohibit the use of all rearward-facing flight attendant seats on DC-10 aircraft until the deficiencies of the restraint systems are corrected or until a suitable alternate restraint system is installed.

Discovery of a maintenance problem during investigation of the Air Executive, Inc., Piper incident led the Board to recommend that the FAA (1) issue an AD to require a one-time inspection of all landing flap transmission assemblies on the PA-31 which have more than 500 hours of service, and to require replacement of those which have excessively worn interior components; and (2) issue an AD to require that all landing flap transmission assemblies on PA-31 aircraft are inspected and maintained in accordance with the manufacturer's service manual.

Letters Responding to Safety Board Recommendations. The National Highway Traffic Safety Administration letter of March 1 is in response to recommendations H-75-32 through 36, issued last December 2 in connection with a series of multiple-vehicle collisions near Corona, California. (See 40 FR 57726, December 11, 1975.) Re recommendation H-75-32, NHTSA will select a stratified random sample of States and use their reported accidents which occurred during the same one-year period to determine the percentage of fatal and injury-producing accidents which occurred under reduced visibility conditions; the data will be available May 1. Re recommendation H-75-33, the letter indicates that all of NHTSA's "Multidisciplinary Accident Investigation" files which list fog as a visibility-limiting factor have been reviewed and that these cases "represent an extremely non-random group of accidents." "Therefore," the letter continues, "if some types of fog factors could be determined from these accidents, there is no guarantee the factors apply to accidents in general." Re H-75-34, NHTSA is not now able to conduct the recommended formal survey of driver educators who teach driving under reduced visibility conditions. "Nevertheless," the letter indicates, "NHTSA will continue to work with driver educators and traffic safety researchers in efforts to resolve the deficient knowledge and task requirements which presently exist." Re H-75-35, NHTSA notes that high-mounted stop-and-turn signal lamps are experimental features currently being field tested under one of its research contracts. They are installed on several hundred taxi cabs in the metropolitan Washington, D.C., area. NHTSA notes that it has no accident data to indicate the benefits of the subject lamps in the reduction of rear-end collisions. NHTSA further states, "The subject recommendation was made in an attempt to reduce the chain reaction type rear end collisions which typically occur in fog. These lamps would probably reduce the number of rear end collisions in general, but may not be an effective deterrent in fog. A unique and distinctive signal, such as a panic stop signal, or lamps having much higher light intensity may be more beneficial in fog." Addressing recommendation H-75-36, NHTSA states that it is now negotiating a contract with the International Association of Chiefs of Police, and will include, as part of the work statement, information from State Police/Highway Patrol agencies data re-

lating to their procedures for handling traffic at times and locations of reduced visibility. NHTSA states, "The information received will dictate our next steps; i.e., develop selected procedures and have a demonstration project to identify the most effective and/or prepare an operations manual outlining selected effective procedures currently in operation."

The Safety Board on March 4 replied to the Civil Aeronautics Board letter of last July 3 regarding recommendations A-75-33 and A-75-34 (40 FR 30163, July 17, 1975). After expressing its continued concern about the diminution of safety in commuter operations, the Safety Board states, "We object particularly to the use of a certificated carrier's trademark by any other air carrier which is operating under different rules. The Safety Board believes that a replacement air carrier should not be permitted to use the trademark, logo, slogan, or any other identification associated with the certificated air carrier." The Safety Board further states, "While it may be necessary for CAB to approve substitutions of service for the economic well being of an airline, such substitutions should also consider all safety obligations to the traveling public. The Safety Board believes that the CAB does not give sufficient recognition to the different levels of minimum safety provided. Therefore, we believe the public may be misled when an air taxi operator certificated under 14 CFR 135 is permitted to operate over a route that has been granted by the CAB to an air carrier certificated under 14 CFR 121. We hold that the CAB should make a distinction between ordinary air taxi operators and those commuter air taxi operators who operate over a certificated route as a replacement 14 CFR 121 air carrier. The Safety Board believes that a replacement service is actually a substitute service." The Safety Board is concerned that the CAB authorizes substitute service without any direct contact with the air taxi operator to determine from a safety standpoint of the third level carrier is "fit, willing and able" to perform the service granted by the CAB's certificate of public convenience and necessity. If the CAB finds it necessary to hold a full public hearing to establish the need for a proposed route segment and the capability of the applicant air carrier, then the Safety Board believes that the CAB should hold the same type of hearing before granting any replacement carrier authority to operate over that segment.

The accident report and Safety Board recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a) (2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906))

MARGARET L. FISHER,
Federal Register
Liaison Officer.

MARCH 15, 1976.

[FR Doc.76-7789 Filed 3-17-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE FLOATING NUCLEAR PLANT

Rescheduled Meeting

The meeting of the ACRS Subcommittee on the Floating Nuclear Plant scheduled to be held on March 19, 1976 in Los Angeles, CA has been rescheduled to be held on April 3, 1976 in the Hermosa Room, Americana Hotel of Los Angeles, 6161 Centinela Ave., Culver City, CA 90230. Notice of this meeting was published in Federal Register, Vol. 41, Page 8834, March 1, 1976.

Persons desiring to mail written comments regarding agenda items may do so. Comments postmarked no later than March 27, 1976 to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

A copy of the transcript of the open portion of the meeting will be available after April 9, 1976 and copies of the minutes of the meeting will be available for inspection after July 6, 1976 at the pertinent Public Document Rooms listed in the Federal Register notice cited above.

All other matters pertaining to the meeting remain unchanged.

Dated: March 15, 1976.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc.76-7690 Filed 3-17-76;8:45 am]

[Docket No. 50-322]

LONG ISLAND LIGHTING COMPANY (SHOREHAM NUCLEAR POWER STATION, UNIT 1)

Receipt of Application for Facility Operating License Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating License Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for facility operating license from the Long Island Lighting Company (the applicant) to possess, use, and operate the Shoreham Nuclear Power Station, Unit 1, a boiling water nuclear reactor (the facility), located on the applicant's site in the Town of Brookhaven, Suffolk

County, New York, at a steady-state power level of 2436 megawatts thermal.

The applicant has also filed an environmental report pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51. The report, which discusses environmental considerations related to the proposed operation of the facility, is being made available at the New York State Office of Planning Services, 2488 Broadway, Albany, New York 12207, and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

After the environmental report has been analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a draft environmental statement will be prepared by the Commission's staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permit. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

The Commission will consider the issuance of a facility operating license to the Long Island Lighting Company which would authorize the applicant to possess, use, and operate the Shoreham Nuclear Power Station, Unit 1, in accordance with the provisions of the license and the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation on the application by the Office of Nuclear Reactor Regulation; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicant's application for a facility operating license by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facility was authorized by Construction Permit No. CPPR-95, issued by the Atomic Energy Commission¹

¹ Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission, and permits in effect on that day continued under the authority of the Nuclear Regulatory Commission.

on April 14, 1973. Construction of the facility is anticipated to be completed by May 1, 1979.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the Construction Permit. In addition, the license will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicant will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

On or before April 10, 1976, the applicant may file a request for a hearing, with respect to issuance of the facility operating license and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR Part 2, Section 2.714. As required in Section 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by April 19, 1976. A copy of the petition and/or request should also be sent to the Executive Legal Director, United States Nuclear Regulatory Commission, Washington, D.C. 20555, and to Edward M. Barrett, Esquire, General Counsel, Long Island Lighting Company, 250 Old Country Road, Mineola, New York 11501, attorney for the applicant.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR Part 2, Sections 2.714(a)(1)-(4) and 2.714(d).

For further details, see the application for the facility operating license and the applicant's environmental report dated January 26, 1976, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Comsewogue Public Library, 170 Terryville Road, Port Jefferson, New York 11776. As they become available, the following documents may be inspected at the above locations: (1) the safety evaluation report prepared by the Office of Nuclear Reactor Regulation; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating license; (5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license.

Copies of the proposed operating license and the ACRS report, when available, may be obtained by request to the Director, Division of Project Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Reactor Regulation's safety evaluation and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, this 10th day of March 1976.

KARL KNIEL,
Chief, Light Water Reactors
Branch 2 Division of Project
Management.

[FR Doc.76-7691 Filed 3-17-76; 8:45 am]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS; (MANUFACTURING LICENSE FOR FLOATING NUCLEAR POWER PLANTS)

Hearing

TAKE NOTICE that a public hearing will be held before an Atomic Safety and Licensing Board (the Board), pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Regulations (Title 10, Code of Federal Regulations, Parts 2 and 50), and pursuant to the Commission's Notice of Hearing dated December 5, 1973 (38 Fed. Reg. 34008, December 10, 1973), to consider the application of the Offshore Power Systems (the Applicant) for a manufacturing license for eight pressurized water floating nuclear power plants (the facilities). The facilities will each be designed for initial operation at 3411 megawatts thermal with a net electrical output of approximately 1150 megawatts. The facilities would be manufactured on a repetitive assembly line basis in Jacksonville, Florida, on Blount Island.

The public, evidentiary hearing will start at 9:30 A.M. local time, Tuesday, March 23, 1976, at the following location:

Jacksonville Electric Authority, Central Office Bldg., 4th Floor Meeting Room, 233 W. Duval Street, Jacksonville, Florida 32201.

The limited scope of the Jacksonville hearing (commencing March 23 and probably continuing through March 24), will be the consideration of the Final Environmental Impact Statement (FES), Part I only (NUREG 75/091), together with Applicant's Environmental Report, Part I, both covering the subject of the (local) environmental impact of manufacturing activities at the Blount Island site. Limited appearance statements will also be received during this Jacksonville hearing session.

ALSO TAKE NOTICE that the public hearings will continue at Atlantic City, New Jersey, in this same proceeding, for the purpose of receiving limited appearance statements in that area, starting at 12:00 Noon local time, Monday, March 29, 1976, at the following location:

City Hall, Commission Chambers, 2nd Floor, 1301 Bacharach Blvd., Atlantic City, New Jersey 08401.

The Atlantic City public hearing session will continue through March 30, 1976, if necessary, to complete the reception of limited appearance statements.

The foregoing hearing schedule has been established by the Board after giving due consideration to the Applicant's February 7, 1976 Motion To Establish Schedule, the responses of the parties thereto (including the objections of the Natural Resources Defense Council (NRDC)), and the Stipulation Concerning Hearing Schedule transmitted to the Board by the NRC Staff's letter of March 9, 1976. (NRDC was not a party to that stipulation.)

By adopting the above hearing schedule, the Board rejects NRDC's legal arguments against the propriety of conducting a hearing on FES Part I before the generic study has been issued.

Interested members of the public are invited to attend the hearing.

Issued at Bethesda, Maryland this 11th day of March 1976.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY, Esq.,
Chairman.

[FR Doc.76-7692 Filed 3-17-76; 8:45 am]

[Docket No. P-531A]

PUBLIC SERVICE COMPANY OF OKLAHOMA (BLACK FOX GENERATING STATION, UNITS 1 AND 2)

Order for Oral Arguments on Amended Petition to Intervene

The Board will hear oral arguments on the Amended Petition of the Grand River Dam Authority to Intervene and Request for Antitrust Hearing at 1:00 p.m. EST, April 12, 1976, at the Commission's hearing room in the Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland.

The Board requests that Counsel for the Petitioner, NRC Staff, and Applicant be prepared to answer questions *inter alia* with respect to the following:

1. The legal theory underlying the Petition to Intervene.
2. The Commission's jurisdiction to affirm rights of the Petitioner under its existing contractual agreement with the Applicant.
3. Legal or other impediments preventing the implementation of the provisions of the Applicant's Statement of Bulk Power Supply Policy as set forth in the Attorney General's letter dated June 23, 1975 with specific reference to the Markham Ferry Coordinating Agreement.

Dated at Bethesda, Maryland this 11th day of March 1976.

The Atomic Safety and Licensing Board.

JOHN M. FRYSIK, Esq.,
Member.

SHELDON J. WOLFE, Esq.,
Member.

IVAN W. SMITH, Esq.,
Chairman.

[FR Doc.76-7693 Filed 3-17-76; 8:45 am]

[Docket Nos. 50-259, 50-260]

TENNESSEE VALLEY AUTHORITY

Hearing on Application for Proposed Amendments to Facility Operating Licenses for Browns Ferry Nuclear Plant, Units 1 and 2

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part

2, the Commission's "Rules of Practice", notice is hereby given that a public hearing will be held concerning the application of the Tennessee Valley Authority (the Licensee) for the issuance of amendments to Facility Operating Licenses Nos. DPR-33 and DPR-32, for operation of the Browns Ferry Nuclear Plant, Units 1 and 2, located in Limestone County, Alabama.

On October 7, 1975, the Nuclear Regulatory Commission (the Commission) published in the FEDERAL REGISTER (40 FR 46385) a notice of Proposed Issuance of Amendments to Facility Operating Licenses setting forth the purpose and scope of the proposed amendments. The same notice provided that by November 6, 1975 any person whose interest might be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene, in accordance with § 2.714 of 10 CFR Part 2 of the Commission's Regulations. A timely petition for leave to intervene was filed by Mr. William E. Garner of Scottsboro, Alabama, and his request for a hearing has been granted by the petitions board in a ruling issued the same date as this instant Notice of Hearing.

The hearing board assigned to conduct the hearing is an Atomic Safety and Licensing Board (the Board) designated by the Acting Chairman of the Atomic Safety and Licensing Board Panel. Said Board will consist of:

Thomas W. Reilly, Chairman.
Dr. Frederick P. Cowan, Member.
Dr. Hugh C. Paxton, Member.

The evidentiary hearing to consider the proposed amendments to the facility operating licenses and the resumption of operation of the Browns Ferry Nuclear Plant, Units 1 and 2, will be held at a time and place to be designated in the future by the assigned Atomic Safety and Licensing Board, and it will begin in the vicinity of the subject facility.

A prehearing conference or conferences will be held by the Board at a date and place to be set by it, to consider the pertinent procedural matters in accordance with the Commission's Rules of Practice (10 CFR Part 2). A date and place for the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and public hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

Prior to issuance of the proposed license amendments, the Commission will first have made the findings required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations.

For further details with respect to this action, see (1) the application for amendment dated August 13, 1975, (2) the application for amendment dated August 29, 1975, (3) the Commission's Order for modification to License and the documents referred to in the Order dated December 27, 1974 (published in the FEDERAL REGISTER on January 9, 1975 (40 FR

1777)), (4) the application for amendment dated July 16, 1975, (5) the application for amendment dated April 21, 1975, (6) the "Plan for Evaluation, Repair, and Return to Service of Browns Ferry Units 1 and 2 (March 22, 1975 Fire)" dated April 13, 1975 and revisions thereto, and (7) Amendments No. 14 and 11 to Licenses No. DPR-33 and DPR-32, respectively, with the related Safety Evaluation dated September 2, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. The license amendments and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Section, Rm. 1015, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Pending further order of the hearing board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR § 2.708 of the Commission's Rules of Practice, an original and twenty (20) conformed copies of each such paper with the Commission.

Issued at Bethesda, Maryland this 11th day of March 1976.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY, Esq.,
Chairman.

[FR Doc.76-7694 Filed 3-17-76; 8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.115, "Protection Against Low-Trajectory Turbine Missiles," describes a method acceptable to the NRC staff for protecting essential systems against potential low-trajectory missiles in the event of a gross turbine failure. The regulatory guide addresses protection by means of turbine orientation and placement. It is recognized that

there are other methods of protection from potential turbine missile damage. Such alternatives, if proposed by applicants, will be reviewed by the staff and approved if found acceptable.

The subjects of protection against high-trajectory missiles and other methods of protection against low-trajectory missiles are currently being investigated by the NRC staff and will be addressed in revisions to this guide or new guides to be issued as appropriate. This regulatory guide has been issued to provide guidance on the use of a method that is known to be effective and may be conveniently implemented in the preliminary design stage of most plants.

Except in those cases in which the applicant proposes an alternative method for complying with specified portions of the Commission's regulations, the method described in Regulatory Guide 1.115 will be used in the evaluation of submittals for construction permit applications docketed after November 15, 1976.

If an applicant wishes to use this regulatory guide in developing submittals for applications docketed on or prior to November 15, 1976, the pertinent portions of the application will be evaluated on the basis of this guide.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.115 will, however, be particularly useful in evaluating the need for an early revision if received by May 17, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them. (5 U.S.C. 552(a))

Dated at Rockville, Maryland this 10th day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76-7695 Filed 3-17-76; 8:45 am]

[Docket No. 50-315]

INDIANA AND MICHIGAN ELECTRIC CO. Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-58 issued to Indiana and Michigan Electric Company and Indiana and Michigan Power Company for operation of the Donald C. Cook Nuclear Plant, Unit 1, located in Berrien County, Michigan. This amendment is effective as of its date of issuance.

The amendment revises the license to provide standard provisions for possession of source, byproduct, and special nuclear materials.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I. These findings are set forth in the license amendment. Prior public notice of this amendment is not required because the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 27, 1975, and Amendment No. 10 to License No. DPR-58. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.; and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland this 10th day of March 1976.

For the Nuclear Regulatory Commission.

KARL KINIEL,
Chief, Light Water Reactors
Branch 2, Division of Project
Management.

[FR Doc.76-7380 Filed 3-17-76; 8:45 am]

REGULATORY GUIDE Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory

Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.98, "Assumptions Used for Evaluating the Potential Radiological Consequences of a Radioactive Offgas System Failure in a Boiling Water Reactor," provides assumptions acceptable to the NRC staff for use in evaluating the offsite radiological consequences of a system failure in a boiling water reactor.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.98 will, however, be particularly useful in evaluating the need for an early revision if received by May 14, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them. (5 U.S.C. 552(a))

Dated at Rockville, Maryland this 9th day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76-7381 Filed 3-17-76; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 15, 1976 (44 U.S.C. 3509). The purpose of publishing this

list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF JUSTICE

Anti-Trust Division, Department of Justice Survey of State Laws on Collective Merchandising of Insurance, single-time, insurance regulators in 50 States, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Employment and Training Administration, Unemployment Insurance Program Quality Audit Outline, single-time, UI Claimants and State Agencies, Human Resources Division, Strasser, A., 395-3532.

EXTENSIONS

DEPARTMENT OF THE INTERIOR

Geological Survey:
Semi-Annual Gas Well Test Report, 9-1870, semiannually, oil and gas producing companies, Marsha Traynham, 395-4529.
Packer Test, 9-1871, annually, oil production industry, Marsha Traynham, 395-4529.
Request for Reservoir Mer, 9-1866, on occasion, oil and gas producing companies, Marsha Traynham, 395-4529.
Report of Operations—Outer Continental Shelf (Oil and Gas), 9-152, monthly, oil and gas producing companies, Marsha Traynham, 395-4529.
Request for Well Maximum Production Rate, 9-1867, on occasion, oil production industry, Marsha Traynham, 395-4529.
Well Potential Test Report, 9-1868, on occasion, oil and gas producing companies, Marsha Traynham, 395-4529.
Quarterly Oil Well Test Report, 9-1869, quarterly, oil and gas producing companies, Marsha Traynham, 395-4529.

PHILIP D. LARSEN,

Budget and Management Officer.

[FR Doc.76-7912 Filed 3-17-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 10, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form num-

ber(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control:

Study on the Efficacy of Nosocomial Infection Control (Senic Project), CDC 4480, (single-time, all U.S. hospitals, Richard Elsing, 395-6140.

Office of Education:

Education for Handicapped Act—Part B—1977 Annual Program Plan Amendments, OE 9055, annually, State Education Agencies, Human Resources Division, Lowry, R. L., 395-3532.

DEPARTMENT OF LABOR

Bureau of International Labor Affairs, Buyers Survey: Men's and Boys' Clothing, ILAB-70 (2/76, single-time, resident buyer's of men's and boys' clothing, Peterson, M. O., 395-5631.

REVISIONS

VETERANS ADMINISTRATION

Electrical Systems Inspection Report (Mobile Home) 26-8731B, on occasion, inspector, Caywood, D.P., 395-3443.

EXTENSIONS

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Labor and Material Requirements for Private Office Building Construction, BLS 2652.07, Other (see SF-83), construction contractors, Laverne V. Collins, 395-5867.

PHILIP D. LARSEN,

Budget and Management Officer.

[FR Doc.76-7913 Filed 3-17-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

OMEGA-ALPHA, INC.

Suspension of Trading

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Omega-Alpha, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors; THEREFORE, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 11, 1976 through March 20, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-7704 Filed 3-17-76;8:45 am]

[Rel. No. 9200]

FEDERAL LIFE INSURANCE COMPANY (MUTUAL) AND FEDERAL LIFE VARIABLE ANNUITY ACCOUNT A

Application for Approval of Offers of Exchange; Order of Exemption

NOTICE IS HEREBY GIVEN that Federal Life Insurance Company (Mutual) ("Federal Life"), a mutual life insurance company organized under the laws of Illinois, and Federal Life Variable Annuity Account A, 6100 North Cicero Ave., Chicago, Illinois 60646 (812-3810) ("Account A"), a separate account of Federal Life registered as a unit investment trust under the Investment Company Act of 1940 ("Act"), (hereinafter collectively called "Applicants") filed an application on May 12, 1975, and amendments thereto on December 29, 1975, and February 9, 1976, pursuant to Section 11 of the Act for approval of certain offers of exchange and pursuant to Section 6(c) of the Act for an order of exemption from Sections 26(a) and 27(c)(2). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Account A was established by Federal Life in connection with the proposed sale of individual periodic premium deferred, individual single premium immediate, and group periodic premium deferred variable annuity contracts ("Contracts") for use in connection with retirement plans which may or may not qualify for federal tax advantages. The Contracts have combined fixed and variable benefits. The owner makes payment to Federal Life, which deducts sales and administrative expenses. The balance of such payments ("Net Payments") are allocated, at the owner's direction, to any one of two divisions of Account A and Federal Life's General Account. There are six divisions of Account A each investing in the shares of one of the following diversified open-end investment companies registered under the Investment Company Act: Wellington Fund, Inc., Windsor Fund, Inc., Qualified Dividend Portfolios, Inc., Wellesley Income Fund, Inc., W. L. Morgan Growth Fund, Inc. and Westminster Bond Fund, Inc. ("Funds").

Net purchase payments that are to be accumulated on a variable basis, and funds allocated to provide variable benefits under the Contracts, are invested through Account A in shares of the designated mutual fund. The value of interests in Account A, before or after annuity benefits become payable, will vary to reflect investment performances of the designated mutual fund shares.

Under Illinois insurance law, the assets of Account A are owned by Federal Life. Federal Life is not a trustee with respect thereto, and Federal Life will administer Account A and account for it as a part of Federal Life's general business. However, the income, gains, or losses, realized or unrealized, of Account A are credited to or charged against Account A pursuant to the Contracts and without regard to other income, gains or losses of Federal Life. In addition, the assets held in Account A may not be chargeable with

liabilities arising out of any other business that might be conducted by Federal Life.

Federal Life reserves the right to substitute the shares of another investment company for those of the above mentioned companies; such substitution will be made after approval is received from the Commission pursuant to Section 28(b) of the Act, and pursuant to a vote of persons having appropriate voting rights under the Contracts.

Applicants proposed to offer owners of the Contracts the right to transfer the total or partial value of their interest in a division of Account A to another division of Account A prior to or after the annuity starting date without the imposition of additional sales and administrative expense charges, provided, however, that prior to the annuity starting date no transfer may be made within one year from the date of issue of the Contracts or within six months of a previous transfer, except that a final transfer may be made one month before the annuity starting date without regard to the previous limitations. After the annuity starting date, no transfer may be made within one year of a previous transfer.

The owner of a Contract may not invest in more than two divisions of Account A at any one time, and no partial transfer will be permitted if the value of the division from which amounts are to be transferred is less than \$600 after such transfer, or if the amount transferred is less than \$300.

After the annuity starting date, the value of the amount to be transferred will be based on the present value of the remaining payments due, reflecting the attained age of the annuitant and mortality and interest assumptions. The present value must be equal to or greater than the minimum reserve required by state insurance law. As to the amount transferred, the Contract owner will receive monthly payments thereafter based on the investment experience of the newly selected division.

Transfers made before the annuity starting date will be made at the then current net asset values of the funds underlying the appropriate division. The transfer should have no impact on the Contract owner other than that resulting from the investment experience of the newly selected division. Further, such transfers will have no impact on other Contract owners.

SECTION 11

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter therefor to make an offer to a holder of a security of such company or any other open-end investment company to exchange its security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the

basis of exchange, the provisions of subsection (a) above shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants assert that the right to transfer from one division to another is consistent with the policy of Sections 11(a) and (c) and would benefit Contract owners. The apparent purpose of Section 11, Applicants assert, is to protect investors against unfair exchange offers, and, since the transfer privilege described herein will be based on the respective net asset values of the underlying mutual fund shares and there will be no deduction or charge for such transfer, the Contract owner is assured that the arrangement is fair. Applicants represent that Federal Life gains nothing from the transfers except that the attractiveness of the Contracts for their customers will be enhanced by the transfer privilege.

SECTIONS 26(a) AND 27(c)(2)

Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust and any depositor of and underwriter for such trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than amounts deducted for sales load, are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Such agreement must provide, in part, that (i) the custodian bank shall have possession of all the property of the unit investment trust and shall segregate and hold the same in trust; (ii) the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor custodian has been appointed; (iii) the custodian may collect fees from the income and if necessary from the corpus of the trust for services performed and for reimbursement of expenses incurred; and (iv) no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative expenses normally performed by the custodian.

Applicants request an exemption from the provisions of Sections 26(a) and 27(c)(2). Applicants state that a custodianship or trusteeship of the assets of Account A is unnecessary because the assets of Account A will only consist of shares of the above-mentioned mutual funds which will be issued under an open account arrangement without the use of stock certificates. Applicants represent that Federal Life will operate as a regulated insurance company subject to the intensive supervision and control of the Illinois Insurance Department, and that such control and supervision will provide assurance against misfeasance and

afford the essential protection of a trusteeship.

Applicants further represent that under Illinois law neither Account A nor Federal Life may abrogate its obligation under the Contracts. Therefore, the dangers against which Sections 26(a) and 27(c)(2) are directed are not present. Finally, Federal Life states that the assets of the Funds are held in custody pursuant to Section 17(f) of the Act by a bank under an agreement meeting the requirements of Section 26(a) of the Act.

Federal Life and Account A have consented that any order granting the requested exemption from Sections 26(a) and 27(c)(2) may be subject to the conditions that: (1) any charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and the Commission shall reserve jurisdiction for such purpose; and (2) the payment of sums and charges out of the assets of the Separate Account shall not be deemed to be exempted from regulation by the Commission by reason of the order, provided that Applicants' consent to this condition shall not be deemed a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payments of such other sums or charges.

Section 6(c) of the Act provides, in part, the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

NOTICE IS FURTHER GIVEN that any interested person may, not later than April 5, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney at law by certificate) shall be filed con-

temporarily with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-7705 Filed 3-17-76;8:45 am]

[Rel. No. 19424]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Acquisition of Coal Cars by Lease

NOTICE IS HEREBY GIVEN that Indiana & Michigan Electric Company ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, (70-5821), an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to applicable provisions of the Public Utility Holding Company Act of 1935 ("Act") regarding the acquisition by lease of coal cars. I&M requests approval of these transactions unless advised by the Commission that approval thereof under the Act is not required. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

I&M states that it has entered into an agreement with Greenville Steel Car Corporation ("Greenville") for the manufacture of 600 triple hopper cars ("cars") and the delivery of same to I&M for a purchase price of approximately \$30,000 per car, aggregating approximately \$18,000,000. I&M has also entered into negotiations with First Security Bank of Utah, N.A. ("lessor") pursuant to which it is proposed that the lessor purchase the cars (releasing I&M's obligation to Greenville to that extent) and that the lessor then lease such cars to I&M. The lessor will be acting as trustee for five beneficiaries ("beneficiaries") and I&M proposes to enter into two separate leases with the lessor in respect of the beneficiaries' interests in the cars.

Each of the leases is a net lease pursuant to which I&M will pay the lessor all rents and other amounts payable thereunder unless such obligation to pay is extinguished or terminated pursuant to the respective lease terms. I&M will pay the lessor under each of the leases an initial interim installment of rent on July 15, 1976, computed on a daily rate

equal to .028472% of the purchase price of each car, using 30-day months, and thereafter pay in 30 semi-annual rental payments an amount equal to 5.26650% of such purchase price (approximately \$1,579.95 per car per payment), commencing with a payment on January 15, 1977.

Terms of each lease also provide, among other things, that I&M may sublease the cars and that I&M has an option to purchase the cars from the lessor at a fair market sale value at the end of the lease term (including extensions thereof). It is also provided in the leases that in the event the beneficiaries are not allowed certain federal tax treatment of the proposed transactions, the rentals to be paid by I&M will be adjusted upward to assure that the beneficiaries' net return on the transaction would be the same as if the tax treatment had been allowed.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at \$20,000, including legal fees of \$17,500.

NOTICE IS FURTHER GIVEN that any interested person may, not later than April 5, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-7706 Filed 3-17-76;8:45 am]

[Rel. No. 19425]

SOUTHWESTERN ELECTRIC POWER CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

NOTICE IS HEREBY GIVEN that Southwestern Electric Power Company ("SWEPCO"), P.O. Box 1106, Shreveport, Louisiana 71156, an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 (a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

SWEPCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, \$45,000,000 principal amount of First Mortgage Bonds, Series N, to be dated May 1, 1976 (the "bonds"), and to mature in 2006. The interest rate and the redemption prices of the bonds, and the price to be paid to SWEPCO for the bonds (which will not be less than 99% nor more than 102.75% of the principal amount thereof) will be determined by competitive bidding. The bonds will be issued under and secured by SWEPCO's Indenture of Mortgage or Deed of Trust, dated February 1, 1940, to the Continental Illinois National Bank and Trust Company of Chicago and Ray F. Myers, as Trustees, as amended by the indentures supplemental thereto heretofore executed (the "Indenture"), and to be further amended by a proposed Supplemental Indenture, to be dated May 1, 1976.

The Supplemental Indenture contains a prohibition until May 1, 1981, against refunding the issue with funds borrowed by SWEPCO at a lower effective interest cost, except as permitted under certain debt retirement provisions in the Indenture. If prior to the publication of invitation for bids, the Commission amends its first mortgage bond redemption policies, SWEPCO proposes to extend refunding protection to a term not to exceed the period permitted by such amendment, as SWEPCO deems desirable.

The proceeds to be derived by SWEPCO from the sale of the bonds (exclusive of accrued interest and after deducting expenses of issue) will be used to finance future construction and fuel exploration expenditures and to repay short-term notes incurred or expected to be incurred by SWEPCO in connection with the interim financing of its construction expenditures, including approximately \$30,000,000 of short-term borrowings which are expected to be outstanding as of the date of issuance of the bonds. The proposed construction and

development expenditures of SWEPCO for the calendar years 1976-1977 are presently estimated at \$115,866,000 and \$92,225,000, respectively. These figures do not include approximately \$13,000,000 for the acquisition of railroad cars and a rail car maintenance facility subject of a separate filing with the Commission.

The fees and expenses (other than underwriting commissions or discounts) to be paid by SWEPCO in connection with the issue and sale of the bonds are estimated at \$145,000, including approximately \$24,500 in legal fees, \$6,000 in accountants' fees and \$65,000 in printing expenses. The fees and expenses of legal counsel for the successful bidders, to be paid by the successful bidders, are estimated not to exceed \$15,600. It is stated that the Arkansas Public Service Commission and the Corporation Commission of Oklahoma have jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

NOTICE IS FURTHER GIVEN that any interested person may, not later than April 8, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 76-7707 Filed 3-17-76; 8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 12, 1976 through March 21, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 76-7708 Filed 3-17-76; 8:45 am]

[File No. 500-1]

RESOURCE EXPLORATION, INC.

Suspension of Trading

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Resource Exploration, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 3:30 p.m. (EST) on March 10, 1976 through March 19, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 76-7709 Filed 3-17-76; 8:45 am]

[Rel. No. 34-12188; File No. SR-BSE-76-5]

SELF-REGULATORY ORGANIZATION

Proposed Rule Change by Boston Stock Exchange

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on March 3, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Chapter XXV, Sections 2 and 3 to be rescinded:

Section 2 required each member, member firm or member corporation to have as the principal purpose the conduct of a public securities business, 80% of which must be effected for or with persons other than affiliated persons.

Section 3 prohibited members or member-organizations from utilizing a scheme, device, arrangement, agreement or understanding designed to circumvent or avoid the provisions of Section 2.

PURPOSE OF THE PROPOSED RULE CHANGE

To rescind all rules adopted under S.E.C. Rule 19b-2 (so-called 80-20 test) as Section 11(a) of the Securities Exchange Act of 1934, as amended, superseded Rule 19b-2.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

No comments were solicited or received.

BURDEN ON COMPETITION

No burden on competition is perceived by adoption of the proposed rule change.

In Securities Exchange Act Release No. 12055 (January 27, 1976), the Commission announced the rescission of Securities Exchange Act Rule 19b-2 which had required each national securities exchange to adopt a rule specifying, among other things, that every exchange member must have, as the principal purpose of its exchange membership, the conduct of a public securities business. The Commission's recent action was a result of the amendment of Section 11(a) by the Securities Acts Amendments of 1975 with which Congress intended to displace Rule 19b-2. Since the Boston Stock Exchange adopted Sections 2 and 3 of Chapter XXV of its Rules to comply with Rule 19b-2, the repeal of that Rule would be followed properly by the rescission of such exchange provisions as well. In addition, Section 2 of Chapter XXV was listed as one type of an exchange rule on membership and association with members which raises questions under Sections 6(b)(2), (b)(5), and (b)(8) of the Act, as outlined in a letter to each national securities exchange on March 2, 1976 and discussed in Securities Exchange Act Release No. 12157 (March 2, 1976). Accordingly, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing of SR-BSE-76-5.

IT IS THEREFORE ORDERED, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of

the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 10, 1976.

[FR Doc.76-7710 Filed 3-17-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

JACKSONVILLE/MIAMI DISTRICT ADVISORY COUNCILS

Public Meeting

The Jacksonville and Miami District Advisory Councils will hold a public meeting at 9:30 a.m., Thursday, April 22, 1976, in the Community Room, Sun First National Bank of Orlando, 200 South Orange Avenue, Orlando, Florida 32897, to discuss such business as may be presented by members, staff of the Small Business Administration and other present.

For further information write or call Douglas McAllister, Small Business Administration, P.O. Box 3506, Jacksonville, Florida 32202, (904) 791-3781.

Dated: March 9, 1976.

MARY LOU GRIER,
Deputy Advocate
for Advisory Councils.

[FR Doc.76-7676 Filed 3-17-76;8:45 am]

MONTPELIER DISTRICT ADVISORY COUNCIL

Public Meeting

The Montpelier District Advisory Council will hold a public meeting at 11:00 a.m., Wednesday, April 28, 1976, at the Hotel Coolidge, White River Junction, Vermont, to discuss such business as may be presented by members, staff of the Small Business Administration and others present.

For further information write or call David C. Emery, Small Business Administration, P.O. Box 605, Montpelier, Vermont 05602 (802) 223-8422.

Dated: March 9, 1976.

MARY LOU GRIER,
Deputy Advocate
for Advisory Councils.

[FR Doc.76-7677 Filed 3-17-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

PETITIONS FOR MODIFICATION, INTER- PRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

MARCH 12, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 8497 (Notice of filing of petition to modify commodity description), filed February 18, 1976. Petitioner: GLASGOW HAULING, INC., Willow Grove Ave. and Limekiln Pike, Glenside, Pa. 19308. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, D.C. 20001. Petitioner holds a motor common carrier certificate in No. MC 8497, issued November 11, 1975, authorizing transportation over irregular routes, of *Contractors' equipment and building materials*, except liquid commodities in bulk, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware and New Jersey.

By the instant petition, petitioner seeks to modify commodity description so as to read: *Contractors' equipment, materials and supplies, and building materials* (except liquid commodities in bulk), between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware and New Jersey.

No. MC 82965 (Sub-No. 1) (Notice of filing of petition to remove restriction), filed February 11, 1976. Petitioner: AMADOR STAGE LINES, INC., 213 13th Street, P.O. Box 15707, Sacramento, Calif. 95814. Petitioner's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Petitioner holds a motor common carrier certificate in No. MC 82965 (Sub-No. 1), issued April 12, 1968, authorizing transportation over regular routes, of *Passengers and their baggage, and express in the same vehicle with passengers*, between Jackson, Calif. and Reno, Nev., serving all intermediate points: From Jackson over California Highway 88 to Picketts Junction, Calif., thence over California Highway 89 to Myers, Calif., thence over U.S. Highway 50 to Carson City, Nev., thence over U.S. Highway 395

to Reno, and return over the same route, restricted against the transportation of (1) passengers originating at or destined to Sacramento or Stockton, Calif., and (2) passengers whose origin and destination are both between Myers, Calif. and Reno, Nev.

By the instant petition, petitioner seeks to remove the restriction which reads, against the transportation of passengers originating at or destined to Sacramento or Stockton, Calif., in the above authority.

No. MC 129631 (Sub-No. 37) (Notice of filing of petition for interpretation or clarification of certificate), filed December 22, 1975. Petitioner: PACK TRANSPORT, INC., Salt Lake City, Utah. Petitioner's attorneys: Warren E. Hoemann, Stockton and Lewis, The 1650 Grant St. Building, Denver, Colo. 80203. Petitioner holds a Certificate in No. MC 129631 (Sub-No. 37), issued October 4, 1974, authorizing it as pertinent, to perform service in interstate or foreign commerce over irregular routes, transporting: *Stone, cast stone, brick, clay products, and masonry products and materials*, (1) between points in Utah, Idaho, and Montana, and (2) between points in Utah, Idaho, and Montana, on the one hand, and, on the other, points in Oregon and Washington, with (1) and (2) subject to certain commodity and territorial restrictions.

By the instant petition, petitioner seeks an interpretation or clarification that its authority to transport "masonry products and materials" enables it to transport plasterboard (sheetrock or gypsum wallboard), plaster, and plaster joint cement.

No. MC 134806 (Sub-Nos. 15 and 27) (Notice of filing of petition to modify permits), filed February 20, 1976. Petitioner: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Petitioner's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Petitioner holds motor contract carrier permits in No. MC 134806 (Sub-Nos. 15 and 27), issued May 13, 1974 and April 16, 1975, respectively, authorizing transportation, over irregular routes, in MC 134806 (Sub-No. 15), of (1) *Footwear and such commodities as are dealt in by retailers of ski equipment and tennis equipment*, between the facilities of Head Ski Division of AMF Incorporated in Boulder County, Colo., on the one hand, and, on the other, Salt Lake City, Utah, Reno, Nev., Buffalo, N.Y., Springfield, Mass., Talcottville, Conn., and Cranbury N.J.; and (2) *Such commodities as are dealt in by retailers of tennis equipment*, from Cranbury, N.J., to Talcottville, Conn., under a continuing contract, or contracts, with Head Ski Division, AMF Incorporated; and in MC 134806 (Sub-No. 27), of *Tanned leather and soles and heels for shoes*, from points in Massachusetts, New Hampshire, and Vermont, to Wilton, Maine, under a continuing contract, or contracts with G. H. Bass & Co., of Wilton, Maine.

By the instant petition, petitioner seeks to modify the permit in No. MC 134806

(Sub-No. 15), so as to read, (1) *Footwear and such commodities as are dealt in by retailers of ski equipment and tennis equipment*, between the facilities of Head Ski Division of AMF Incorporated in Boulder County, Colo., on the one hand, and, on the other, Salt Lake City, Utah; Reno, Nev.; Buffalo, N.Y.; Springfield, Mass.; Manchester, Conn.; and Plainsboro, N.J.; and (2) *Such commodities as are dealt in by retailers of tennis equipment*, from Plainsboro, N.J., to Manchester, Conn., under a continuing contract, or contracts, with Head Ski Division, AMF Incorporated; and in MC 134806 (Sub-No. 27), petitioner seeks to modify the commodity description so as to read, *Tanned leather, Soles, Heels, Shoe Findings and Supplies* for shoes, from points in Massachusetts, New Hampshire and Vermont, to Wilton, Maine, under a continuing contract, or contracts with G. H. Bass & Co., of Wilton, Maine.

No. MC 138003 (Sub-No. 2) (Notice of filing of petition to add destination points), filed February 19, 1976. Petitioner: ROBERT F. KAZIMOUR, 1200 Norwood Drive SE., P.O. Box 2011, Cedar Rapids, Iowa 52403. Petitioner's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor contract carrier permit in No. MC 138003 (Sub-No. 2), issued May 19, 1975, authorizing transportation, over irregular routes, of (1) *Appliances*, from Newton, Webster City, and Fort Dodge, Iowa, to points in Montana, Idaho, and Wyoming, under a continuing contract, or contracts, with Franklin Manufacturing Company, of Webster City, Iowa, and Maytag Company, of Newton, Iowa; and (2) *Appliances, furnaces, and air conditioners*, between points in Iowa, California, Washington, Idaho, Oregon, Arizona, Utah, Nevada, Montana, and Tennessee, under a continuing contract, or contracts, with Lennox Industries, Inc., of Marshalltown, Iowa.

By the instant petition, petitioner seeks to add Arkansas and Texas as additional destination points in part (2) of the above authority.

No. MC 140024 (Sub-No. 53) (Notice of filing of petition to modify certificate), filed February 9, 1976. Petitioner: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., P.O. Box 16279, Stockyards Station, 5565 E. 52nd Avenue, Commerce City, Colo. 80023. Petitioner's representative: John F. DeCock (same address as applicant). Petitioner holds a motor common carrier certificate in No. MC 140024 (Sub-No. 53) issued January 6, 1976, authorizing transportation, over irregular routes, of *Cleaning and bleaching compounds, animal litter, and cooking oils* (except commodities in bulk, from Kansas City, Mo., to points in Colorado and Kansas (except Topeka, Manhattan, Pauline, Lawrence, Leavenworth, and Elwood, Kans.)), restricted to the transportation of shipments originating at the facilities of the Clorox Co., at Kansas City, Mo., and destined to the above-named destination points.

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

By the instant petition, petitioner seeks to add paragraph (2) *Foodstuffs* (except frozen foods and commodities in bulk), in mixed shipments with commodities in (1), as a commodity description in the above authority.

Office of Proceedings

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

Notice

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the *FEDERAL REGISTER*.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this *FEDERAL REGISTER* notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statement in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 106674 (Sub-No. 149) (Republication), filed December 23, 1974, and published in the *FEDERAL REGISTER* issue of January 23, 1975, and republished this issue. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). An Initial Decision of Administrative Law Judge George P. Morin, dated February 23, 1976 and served March 4, 1976, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *agricultural, lawn and garden equipment* from Evansville, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the plant site and warehouse facilities of Hahn, Inc., at Evansville, Ind., and destined to points in the named destination States; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's broadening grant of authority.

No. MC 113908 (Sub-No. 241) (Republication), filed October 6, 1972, and published in the *FEDERAL REGISTER* issues of November 16, 1972, and November 30, 1972, and republished as amended this issue. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fungible and stowable commodities*, in tank and hopper containers, and *empty tank and hopper containers*, between points in the United States including Alaska and Hawaii.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to amend the commodity descriptions.

No. MC 118922 (Sub-No. 12) (Republication), filed March 3, 1975, and published in the *FEDERAL REGISTER* issue of April 3, 1975, and republished this issue. Applicant: CARTER TRUCKING CO., INC., P.O. Box 126, Locus Grove, Ga. 30248. Applicant's representative: William Addams, Suite 232, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. An Initial Decision of Administrative Law Judge Warren C. White, dated January 6, 1976 and served January 16, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is used, sold or dealt in by wholesale, retail and chain grocery and food business houses (except commodities requiring refrigeration and commodities in bulk)*, from points in the United States, in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except points in Maine, New Hampshire, Vermont, and Rhode Island), to the warehouse, storage, and distribution facilities of Colonial Stores, Inc., located at Atlanta and Thomasville, Ga., Columbia, S.C., Raleigh, N.C., and Norfolk, Va., restricted to traffic originating at the above named origins and destined to the above-named destinations, that applicant is fit, willing and able properly to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate a change in the nature of authority sought from *contract to common carriage*.

Office of Proceedings

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Notice

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the *FEDERAL*

REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 340 (Sub-No. 36), filed February 11, 1976. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs and frozen bakery products*, from the plantsite of the Kitchens of Sara Lee, Inc., at Deerfield, Ill., to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Dallas, Tex.

No. MC 1924 (Sub-No. 11), filed January 15, 1976. Applicant: WALLACE-COLVILLE MOTOR FREIGHT, INC., North 400 Sycamore Street, P.O. Box 3383, Spokane, Wash. 99220. Applicant's

representative: Michael B. Crutcher, 2000 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those which because of their size or weight require the use of special equipment).

(1) Between Spokane, Wash., and Lewiston, Idaho: From Spokane over U.S. Highway 195 to Lewiston, and return over the same route, serving Colfax and Pullman as intermediate points; (2) Between Lewiston, Idaho and Clarkston, Wash.: From Lewiston over U.S. Highway 12 to Clarkston, and return over the same route, serving no intermediate points; and (3) Between Pullman, Wash. and Moscow, Idaho: From Pullman over Washington Highway 270 to junction Idaho Highway 8, thence over Idaho Highway to Moscow, and return over the same route, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash.

No. MC 3854 (Sub-No. 28), filed February 19, 1976. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials* used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation located in Lucas County, Ohio, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Washington, D.C.

No. MC 13087 (Sub-No. 40), filed February 19, 1976. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor oil and grease*, in containers, from Plymouth, Wis., to Mason City, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 20824 (Sub-No. 33), filed February 19, 1976. Applicant: COMMERCIAL MOTOR FREIGHT, INC. of INDIANA, 2141 South High School Road, Indianapolis, Ind. 46241. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of un-

usual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Serving the off-route point of Southwind Maritime Centre, near Mt. Vernon, Posey County, Ind., in connection with applicant's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing with similar applications at either Indianapolis, Ind. or Chicago, Ill.

No. MC 21866 (Sub-No. 83), filed January 2, 1976. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, Pa. 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal furniture*, from the facilities of Knoll International, Inc. at or near East Creenville and Souderton, Pa., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateways of Leesport and Pottsville, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 31389 (Sub-No. 212), filed Feb. 23, 1976. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment): Serving the plantsite and warehouse facilities of Aerofin Corporation, located at or near Amherst, Va., as an off-route point in conjunction with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 33641 (Sub-No. 126) filed January 30, 1976. Applicant: IML FREIGHT, INC., 2175 South 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Edward G. Bazon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Winnemucca, Nev. and Nampa, Idaho, as an alternate route for operating convenience only, serving Winnemucca, Nev., as a point of joinder only: From Winnemucca over U.S. Highway 95 to junction Idaho Highway 55

near Marsing, Idaho, thence over Idaho Highway 55 to Nampa and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 42261 (Sub-No. 123), filed February 12, 1976. Applicant: LANGER TRANSPORT CORP., Rt. 440, Foot of Danforth Ave., Box 305, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, in bulk, in tank vehicles, between points in Dade County, Fla., on the one hand, and, on the other, points in Connecticut, New Jersey, and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 42437 (Sub-No. 847), filed February 9, 1976. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: E. T. Lipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the terminal site of Consolidated Freightways Corporation of Delaware, in Tobyhanna Township (Monroe County), Pa. as an off-route point in connection with carrier's regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa. or Washington, D.C.

No. MC 43867 (Sub-No. 27), filed February 11, 1976. Applicant: A. LEANDER MCALISTER TRUCKING COMPANY, a Corporation, P.O. Box 2214, Wichita Falls, Tex. 76307. Applicant's representative: Bernard H. English, 6270 Fifth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material recovery and separation systems, agricultural processing equipment, and wire recovery and separation equipment*; and (2) *materials, equipment, supplies, and parts*, used in, or in connection with the manufacture, assembly, distribution, installation and operation of the commodities described in (1) above (except commodities in bulk), between points in Stephens County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsites, storage facilities and distributors of Triple S Dynamics Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita Falls, Dallas, or Fort Worth, Tex.

No. MC 52579 (Sub-No. 148), filed February 12, 1976. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Fred L. Cardascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, (1) from Tupelo, Miss., to points in California, Delaware, Florida, Georgia, Illinois, Indiana, Michigan, New Jersey, New York, Ohio, Texas, and those points in the New York, N.Y., Commercial Zone; and (2) from Leitchfield and Morgantown, Ky., to Tupelo, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 56244 (Sub-No. 44), filed February 9, 1976. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardners, Pa. 17324. Applicant's representative: John M. Muselman, P.O. Box 1146, 410 North Third St., Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved food-stuffs*, (1) from the facilities of Heinz U.S.A. located at Iowa City and Muscatine, Iowa, to points in Maryland, New Jersey, New York, and Pennsylvania; and (2) from the facilities of Heinz U.S.A. located at Bowling Green, Fremont, and Toledo, Ohio, to Baltimore, Md., and points in New Jersey on and north of New Jersey Highway 33, restricted to the transportation of shipments originating at the above-named facilities and destined to the above destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 57315 (Sub-No. 26), filed February 11, 1976. Applicant: TRI-STATE TRANSPORT, INC., 91 Heard St., Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts, to points in Maine, New Hampshire, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 57778 (Sub-No. 16), filed February 23, 1976. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Ave., Detroit, Mich. 48209. Applicant's representative: William B. Elmer, 21635 East Nine Mile Rd., St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, except in bulk, in mechanically-refrigerated equipment, from the plantsites of E. J. Brach & Sons, Inc., located at Carol Stream, Ill. and Chicago, Ill., to points in Wayne, Oakland, Macomb, Washtenaw, Monroe, and St. Clair Counties, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lansing, Mich. or Chicago, Ill.

No. MC 59583 (Sub-No. 154), filed February 5, 1976. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Kim D. Mann, 918 Sixteenth Street NW., Suite 702, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk and those requiring special equipment), serving the plantsite of Old Dominion Iron and Steel Corporation located at or near the junction of Interstate Highway 95 and Virginia Highway 10 in Chesterfield County, Va., as an off-route point in connection with applicant's authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Richmond, Va. or Washington, D.C.

No. MC 64932 (Sub-No. 557), filed February 17, 1976. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pentaerythritol*, dry, in bulk, in tank vehicles, from points in Louisiana and Missouri, to Deer Park, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 67450 (Sub-No. 54), filed February 2, 1976. Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cane and beet sugar and products of corn, liquid and dry and blends thereof*, in bulk, from Decatur, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 67583 (Sub-No. 17), filed February 25, 1976. Applicant: KANE TRANSFER COMPANY, a Corporation, 5400 Tuxedo Road, Tuxedo, Md. 20781. Applicant's representative: James W. Lawson, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, plastic, one gallon or less in capacity, in boxes, and corrugated fiberboard boxes, knocked down flat, when shipped with plastic containers, in trailers, from the plantsite and warehouse facilities of Consupak, Inc., at

Morristown, N.J., to plants and storage facilities of the Procter and Gamble Manufacturing Company at Baltimore, Md., under a continuing contract or contracts with Procter and Gamble Manufacturing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Baltimore, Md.

No. MC 69116 (Sub-No. 178), filed February 9, 1976. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials*, used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation, in Lucas County, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Detroit, Mich.

No. MC 69116 (Sub-No. 180), filed February 11, 1976. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Manchester, N.H. and junction New Hampshire Highways 101 and 108, serving no intermediate points, alternate route for operating convenience only: From Manchester, N.H. over New Hampshire Highway 101 to junction New Hampshire Highway 108 to junction New Hampshire Highway 108 and return over the same route; and (2) between junction New Hampshire Highways 101 and 108 and Portsmouth, N.H., serving no intermediate points, alternate route for operating convenience only: From junction New Hampshire Highways 101 and 108 over New Hampshire Highway 101 to Portsmouth, N.H. and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 73165 (Sub-No. 378), filed February 17, 1976. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road building machinery, contractors' equipment and supplies, self-propelled vehicles* (except passenger vehicles or truck tractors),

from the plantsite and facilities of Pettibone Texas Corporation at Ft. Worth, Tex., to points in the United States (except Alaska and Hawaii); and (2) *parts, materials, supplies* used in the manufacture of commodities named in (1) above, from points in the United States (except Alaska and Hawaii) to Ft. Worth, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 82492 (Sub-No. 131), filed February 11, 1976. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Almstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural fungicides or insecticides, medicinal feeding compounds, weed killing compounds, drugs or medicines, chemicals, plastic or rubber articles, and materials, equipment and supplies* used in the manufacture, sale, and distribution of such commodities (except commodities in bulk) in vehicles equipped with mechanical refrigeration, from Portage, Mich., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 82841 (Sub-No. 166), filed Feb. 12, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products, and particleboard*, from Navajo (McKinley County), N. Mex., to points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or Albuquerque, N. Mex.

No. MC 82841 (Sub No. 167), filed February 12, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Michigan, Ohio, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha or Lincoln, Nebr.

No. MC 93734 (Sub-No. 10) filed February 19, 1976. Applicant: DEWITT TRANSFER AND STORAGE COMPANY, 6060 North Figueroa Street, Los

Angeles, Calif. 90042. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* (a) between points in Imperial County, Calif.; and (b) between points in Imperial County, Calif., on the one hand, and, on the other, points in Kern, Santa Barbara, San Bernardino, Ventura, Los Angeles, Orange, Riverside and San Diego Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization or such traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 94430 (Sub-No. 38), filed January 26, 1976. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, Ind. 46771. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Detroit, Mich., to points in that part of Ohio on and south of a line beginning at Sandusky, Ohio, and extending along U.S. Highway 6 through Fremont, Bowling Green, and Napoleon, Ohio, to junction Ohio Highway 34, thence along Ohio Highway 34 to Bryan, Ohio, thence along Ohio Highway 2 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Ohio-Indiana State line.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 95540 (Sub-No. 941) filed February 23, 1976. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except bananas and commodities in bulk), from the plant and warehouse facilities of New Orleans Cold Storage & Warehouse Co., Ltd., at New Orleans, La., and its Commercial Zone, to points in Arkansas, Colorado, Georgia, Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, South Carolina, Tennessee, Texas, Mississippi, and Wisconsin, restricted to foodstuffs having a prior or subsequent movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 95876 (Sub-No. 181), filed February 20, 1976. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, Minn. 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank

Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery and agricultural implements*, and (2) *attachments, accessories and parts*, for farm machinery and agricultural implements, from points in Steuben County, N.Y., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 95876 (Sub-No. 182), filed February 20, 1976. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials*, used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation located in Lucas County, Ohio, to points in Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Iowa, Kansas, Maine, Massachusetts, Upper Peninsula of Mich., Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, and District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 99213 (Sub-No. 18), filed February 20, 1976. Applicant: VIRGINIA FREIGHT LINES, a Corporation, North Main Street, Kilmarnock, Va. 22482. Applicant's representative: J. S. Venable, P.O. Box 237, Kilmarnock, Va. 22482. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil*, (1) from points in Northumberland County, Va., to points in Florida, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Tennessee and Wisconsin; and (2) from points in Maine, Louisiana, Massachusetts, Mississippi, New Jersey, New York, North Carolina, and Virginia to points in Northumberland County, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Baltimore, Md.

No. MC 99521 (Sub-No. 7), filed February 19, 1976. Applicant: AIR FREIGHT, INCORPORATED, P.O. Box 151, Hickory, N.C. 28601. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., N.W., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, Classes A and B explosives, commodities requiring special equipment and household goods as defined by the Commission), between Raleigh-Durham Airport,

N.C., on the one hand, and, on the other, points in North Carolina located in and east of Person, Orange, Chatham, Lee, Harnett, Cumberland, and Robeson Counties, N.C., restricted to traffic having an immediately prior or subsequent movement by air transportation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C. or Washington, D.C.

No. MC 100449 (Sub-No. 62), filed February 10, 1976. Applicant: MALLINGER TRUCK LINE, INC., R.P.D. #4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Amarillo, Tex., to points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Oklahoma City, Okla.

No. MC 100666 (Sub-No. 316), filed February 13, 1976. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th Street, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board*, from Jacksonville, Tex., to points in Arizona, and California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 100666 (Sub-No. 317), filed February 17, 1976. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, and accessories and materials used in the installation and sale thereof*, from the plantsite and warehouse facilities of Abitibi Corporation, located in Lucas County, Ohio to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 104149 (Sub-No. 194), filed February 12, 1976. Applicant: OSBORNE TRUCK LINE, INC., 516 North 31st

Street, Birmingham, Ala. 35202. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, from the facilities of Revere Copper & Brass, Inc. at or near Scottsboro, Ala., to points in Florida, Georgia, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 104149 (Sub-No. 195), filed February 23, 1976. Applicant: OSBORNE TRUCK LINE, INC., 516 North 31st Street, Birmingham, Ala. 35202. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., Arlington, Va. 22201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, between the facilities of the Reynolds Metals Company, located at or near Listerhill and Sheffield, Ala., on the one hand, and, on the other, points in Florida, Georgia, Illinois, Indiana, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 105159 (Sub-No. 34), filed February 20, 1976. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, Minn. 55066. Applicant's representative: Robert D. Givold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic flower pots*, from Lakeville, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 105566 (Sub-No. 119), filed February 13, 1976. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Laminated plastic sheets*, from the facilities of Formica Corporation at or near Sunset/Whitney Ranch, Calif., to Cincinnati, Ohio, Doraville, Ga., and Piscataway, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio or Washington, D.C.

No. MC 105733 (Sub-No. 56), filed February 11, 1976. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, N.J. 07065. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Styrene*, in bulk, from New Haven, Conn., to Jamesburg, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106497 (Sub-No. 129), filed February 18, 1976. Applicant: PARK-HILL TRUCK COMPANY, P.O. Box 912 (Bus. Rt. I-44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*, including extrusions, from points in Grayson County, Tex., to points in the United States (except Alaska, Hawaii, and Texas).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Kansas City, Mo.

No. MC 106603 (Sub-No. 148), filed January 22, 1976. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, S.W., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Hagerly Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products* (except in bulk), from Manistee, Mich., to points in Georgia and Tennessee and (2) *salt and salt products, and materials and supplies*, used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed shipments with salt and salt products (except in bulk), from Morton and Rittman, Ohio, and Marysville, Mich., to points in Iowa and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 107002 (Sub-No. 481), filed February 11, 1976. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Columbia, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 107403 (Sub-No. 964), filed February 11, 1976. Applicant: MAT-LACK, INC., Ten West Baltimore Avenue, Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Designation 10C insulating oil*, in bulk, in tank vehicles, from Hosston, La., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 965), filed February 18, 1976. Applicant: MAT-LACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Baytown, Tex., to Rubicon Chemicals located at Geismar, La.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107445 (Sub-No. 9), filed February 17, 1976. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Avenue, Indianapolis, Ind. 46225. Applicant's representative: K. Clay Smith, P.O. Box 33051, Indianapolis, Ind. 46203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers*, for air, gas or liquids; *machinery and equipment*, for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids; and (2) *parts, materials, equipment and supplies*, used in the manufacture, distribution, installation, or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, Perry Counties, Ill. and St. Clair County, Ill. on and south of State Highways 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company at Monroe, Randolph, Perry, and St. Clair Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo. or Washington, D.C.

No. MC 107906 (Sub-No. 34), filed February 17, 1976. Applicant: TRANSPORT MOTOR EXPRESS, INC., P.O. Box 958, Fort Wayne, Ind. 46801. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Serving Southwind Maritime Centre at or near Mt. Vernon (Posey County), Ind., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with similar applications filed by Schill Motor Lines, Inc., MC 106674 (Sub-No. 180); A & H Truck Line, Inc., MC 2962 (Sub-No. 60); and Artim Transportation System, Inc., MC 41406 (Sub-No. 51), at Chicago, Ill.

No. MC 108676 (Sub-No. 89), filed February 13, 1976. Applicant: A. J. METTLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, N.E., Knoxville,

Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refuse containers and cargo containers*, (2) *refuse container systems and cargo container systems*, and (3) *parts, attachments, and accessories* for the commodities described in (1) and (2) above, from Lexington, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 109443 (Sub-No. 22), filed February 18, 1976. Applicant: SEABOARD TANK LINES, INC., Monahan Ave., Dunmore, Pa. 18512. Applicant's representative: Kenneth R. Davis, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Litharage*, dry, in bulk, from Dunmore, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Vermont, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110161 (Sub-No. 7), filed February 10, 1976. Applicant: HARRY H. KEMP, doing business as HARRY H. KEMP ENTERPRISES, 115 Geneva Drive, Oskaloosa, Iowa 52577. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation*, from Oskaloosa, Iowa, to points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wisconsin and Wyoming; and (2) *scrap paper and news waste*, from points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wisconsin and Wyoming, to Oskaloosa, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., Des Moines, Iowa or Kansas City, Mo.

No. MC 110325 (Sub-No. 73), filed February 12, 1976. Applicant: TRANSCON LINES, a Corporation, 101 Continental Boulevard, El Segundo, Calif. 90245. Applicant's representative: Jerome Biniasz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), Serving the facilities of Phillip Morris, U.S.A., located at or near the junction of Interstate Highway 95 and Virginia Highway 10 (Chesterfield

County, Va.), as an off-route point in connection with carriers authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 110525 (Sub-No. 1141), filed December 11, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals* (restricted to products derived from petroleum), in bulk, in tank vehicles, from points in Harris County, Tex., to points in Arkansas, Louisiana, Mississippi, New Mexico, and Oklahoma; (2) *liquid chemicals* (restricted to products derived from petroleum), in bulk, in tank vehicles, from points in Chambers County, Tex., to points in Arkansas, Florida, Georgia, Illinois, Michigan, Minnesota, Missouri, Mississippi, Iowa, Oklahoma, South Carolina, Tennessee, and Wisconsin; (3) *liquid chemicals* (restricted to products derived from petroleum), in bulk, in tank vehicles, (a) from points in Travis County, Tex., to Waynesville, N.C., and points in California and Illinois; (b) from points in Montgomery County, Tex., to points in Alabama, California, Florida, Iowa, Illinois, Kentucky, Louisiana, New Mexico, and Mississippi; (4) *liquid chemicals* (restricted to products derived from petroleum), in bulk, in tank vehicles, from Dayton and Texas City, Tex., to points in Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 110525 (Sub-No. 1147), filed February 19, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Cement* in bulk, from Erie, Pa., to points in New York, Ohio and Pennsylvania, restricted to the plantsite and facilities of Huron Cement; and (b) *cement*, from Buffalo, N.Y., to ports of entry on the International Boundary line between the United States and Canada on the Niagara River, restricted to traffic moving in foreign commerce and further restricted to the plant site and facilities of Huron Cement.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 111302 (Sub-No. 86), filed February 9, 1976. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Rd., Knoxville, Tenn. 37921. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, (1) from Hamilton County, Tenn.,

to points in Alabama and Georgia, and (2) from Hanceville, Ala., to points in Georgia and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 111729 (Sub-No. 599), filed December 16, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Critical truck replacement parts, power equipment parts, and supplies* restricted against the transportation of packages or articles weighing in excess of 75 pounds in the aggregate from one consignor to one consignee on any one day, between Richmond, Va., on the one hand, and, on the other, Raleigh, Greensboro, Charlotte, and Bethel, N.C., and Salisbury, Md.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 606), filed January 22, 1976. Applicant: PUROLATOR COURIER CORP., 3333 (New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media*, (a) between Baltimore, Md., on the one hand, and, on the other, Dover, Middletown, Milford, Millsboro, Rehoboth, Seaford, and Smyrna, Del.; (b) between King of Prussia, Pa., on the one hand, and, on the other, points in Kent, New Castle and Sussex Counties, Del.; and (c) between Dover, Del., on the one hand, and, on the other, Baltimore, Laurel, Salisbury, Timonium, and Wheaton, Md., Cornwells Heights, Langhorne, and Philadelphia, Pa., Livingston, N.J., Massapequa, N.Y., and Arlington, Va.; and (2) *Retail fabrics and samples thereof*, between Dover, Del., on the one hand, and, on the other, Baltimore, Laurel, Salisbury, Timonium, and Wheaton, Md., Cornwells Heights, Langhorne, and Philadelphia, Pa., Livingston, N.J., Massapequa, N.Y., and Arlington, Va., restricted in (2) above against the transportation of packages or articles weighing in excess of 100 pounds in the aggregate, from one consignor to one consignee on any one day.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 612), filed February 19, 1976. Applicant: PUROLATOR COURIER CORP., 333 (New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell

S. Bernhard, 1625 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds*, (1) from Mansfield, Ohio, to Auburn, Bluffton, Brownsburg, Columbia City, Corydon, Crawfordsville, Huntington, Indianapolis, Kendallville, Muncie, Napanee, Pendleton, Plainfield, South Bend, Wabash, and Warsaw, Ind.; and (2) between Mansfield, Ohio and Carmel, Ind.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereto, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112713 (Sub-No. 189), filed February 12, 1976. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, Kans. 66207. Applicant's representative: David B. Schneider, P.O. Box 7270, Shawnee Mission, Kans. 66207. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring the use of special equipment), serving the mine site and warehouse facilities of Southwestern Graphite Company, a division of Joseph Dixon Crucible Co., located at or near Burnet, Tex., as off-route points in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 397) filed February 17, 1976. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Gengiz Nazim (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Candy and/or confectionery and related products* (except in bulk); and (2) *advertising matter, premium and display materials*, when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plant site and storage facilities of M&M/MARS, a division of MARS, Incorporated located at or near Waco, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the above named origin and destined to the above named points.

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated hearing at the same time and place with similar applications.

No. MC 112822 (Sub-No. 398), filed February 23, 1976. Applicant: BRAY LINES INCORPORATED, 1401 N. Little

St., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Gengiz Nazim (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chocolate drink*, in cans or bottles (except in bulk), from the facilities owned and operated by Yoo-Hoo of Florida Corporation, located in Hialeah, Fla., to points in Arkansas, Louisiana, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., or Dallas, Tex.

No. MC 113495 (Sub-No. 75), filed February 13, 1976. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: Wilmer B. Hill, 805 McLachen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Mining machinery and equipment, and parts thereof*, from points in Wythe County, Va., and Fayette County, W. Va., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies*, used in the manufacture and installation of mining machinery and equipment (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to points in Wythe County, Va., and Fayette County, W. Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 113495 (Sub-No. 76), filed February 20, 1976. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street (P.O. Box 60628), Nashville, Tenn. 37206. Applicant's representative: Wilmer B. Hill, 805 McLachen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Structural steel articles*, from points in Harrison County, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Gulfport, Miss., Nashville, Tenn. or Washington, D.C.

No. MC 113651 (Sub-No. 188), filed February 12, 1976. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food-stuffs and salad dressings*, from Indianapolis, Ind., to points in Arkansas, Iowa, Minnesota, Missouri and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113651 (Sub-No. 189), filed February 12, 1976. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404

North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs and salad dressings*, from Indianapolis, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113651 (Sub-No. 190), filed February 17, 1976. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Denison, Iowa, to points in Illinois and Michigan, restricted to traffic originating at the plantsite and storage facilities to Dubuque Packing Company, located in Denison, Iowa and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113666 (Sub-No. 99), filed February 11, 1976. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: William H. Shawn, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Porcelainized products, frit, and materials and supplies* used in the manufacture, production, and installation of frit and porcelainized products, between the plantsite of Ingram Richardson, Inc., located in Frankfort, Ind., on the one hand, and, on the other, points in Alabama, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin, restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., Pittsburgh, Pa., or Chicago, Ill.

No. MC 113678 (Sub-No. 623), filed February 23, 1976. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O.

Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Washington, to points in California and Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash. or Denver, Colo.

No. MC 113855 (Sub-No. 339), filed February 11, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery, attachments and parts*, from Anoka, Minn., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 114045 (Sub-No. 430) filed February 17, 1976. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 61228, Dallas/Fort Worth Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Candy and/or confectionery and related products* (except in bulk); and (2) *advertising matter, premium and display materials*, when shipped in the same vehicle with commodities described in (1) above in vehicles equipped with mechanical refrigeration, from the plant site and storage facilities of M & M/MARS, a division of MARS, Incorporated located at or near Waco, Tex., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, South Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the above named origin and destined to the above named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114194 (Sub-No. 184), filed February 17, 1976. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Rd., East St. Louis, Ill. 62201. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Products of corn, cane and beets, and blends of said commodities*, in bulk, in tank vehicles, from Decatur,

Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 114211 (Sub-No. 258), filed February 9, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Robert J. Molinaro, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Construction machinery and equipment, road building and maintenance equipment, material handling equipment, grading and paving machinery and equipment, trailers*, designed for the transportation of the above described commodities, *parts, attachments and accessories* for the above described commodities, from Huron, and Sioux Falls, S. Dak., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials and supplies*, used in the manufacture, sale or distribution of the commodities in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Huron and Sioux Falls, S. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pierre or Rapid City, S. Dak., or Minneapolis, Minn.

No. MC 114457 (Sub-No. 253), filed February 10, 1976. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Sioux Falls, S. Dak., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, Nebraska, New Jersey, New York, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, Colorado, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 114552 (Sub-No. 109), filed February 17, 1976. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials* used in the installation and sale thereof, from the facilities of Abitibi Corporation in Lucas County,

Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 134), filed February 19, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Duane W. Acklie, P.O. Box 81228, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen commodities or commodities in bulk), from the plantsite and storage facilities of California Cannery and Growers located on Conewago Township (Adams County), Pa., to points in Illinois, Indiana, Kentucky, Maine, Michigan, New Hampshire, New York, Ohio, Vermont, Virginia, West Virginia and Wisconsin, restricted to the transportation of shipments originating at the above named origin and destined to the above named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 114848 (Sub-No. 59), filed February 17, 1976. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38113. Applicant's representative: Terry T. Wharton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay blends*, in bulk, in tank vehicles, from Sledge, Miss., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 115162 (Sub-No. 316), filed February 18, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cross ties*, treated or untreated, between points in Alabama and Mississippi, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Atlanta, Ga.

No. MC 115162 (Sub-No. 317), filed February 17, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's repre-

sentative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from points in Stone County, Miss., to points in the United States in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; and (2) *materials and supplies* used in the manufacture of paper and paper products, from points in the United States in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, to points in Stone County, Miss.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Birmingham, Ala.

No. MC 115311 (Sub-No. 186), filed February 11, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and building materials*, from West Memphis, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, restricted to traffic originating at the plantsite and warehouse facilities of Temple Industries Division of Temple-Eastex, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 115654 (Sub-No. 48), filed February 17, 1976. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 1193, Candy Lane, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), when moving in mechanically refrigerated vehicles, from the plantsite and warehouse facilities of Central Distribution Centers, Inc., at or near Little Rock, Ark., to points in Alabama, Georgia, Kentucky, Mississippi, Tennessee, Cincinnati, Ohio, and Indianapolis, Ind., restricted to traffic originating at the plantsite and warehouse facilities of Central Distribution Centers, Inc. located at or near Little Rock, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville or Memphis, Tenn., or either Little Rock, Ark.

No. MC 115904 (Sub-No. 44), filed February 17, 1976. Applicant: GROVER TRUCKING CO., a Corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated building materials*, for the account of Panel-Era Corporation, from Dallas, Tex., to points in and west of Arkansas, Iowa, Louisiana, Minne-

sota, and Missouri, restricted to the account of Panel-Era Manufacturing Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex. or Washington, D.C.

No. MC 116063 (Sub-No. 144), filed February 13, 1976. Applicant: WESTERN-COMMERICAL TRANSPORT, INC., 2929 West Fifth Street, P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from the plantsite of Morton Salt Company, a division of Morton-Norwich Products, Inc., at or near Grand Saline, Tex., to the plantsite of E. I. DuPont de Mours & Co., at or near Woodstock, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 116063 (Sub-No. 145), filed February 5, 1976. Applicant: WESTERN-COMMERICAL TRANSPORT, INC., 2929 West Fifth St., P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats*, in bulk, in tank vehicles, from St. Joseph, Mo., to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Worth or Dallas, Tex.

No. MC 116763 (Sub-No. 335), filed January 23, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite and storage facilities of Heinz U.S.A., at or near Holland, Mich., to points in Maryland (except Baltimore), New York on and west of Interstate Highway 81, Pennsylvania on and west of U.S. Highway 220, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 117119 (Sub-No. 565), filed February 12, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Pigments, paint dry, paint*, other than dry and plastic materials (except in bulk), from Glens Falls, N.Y., to points in California, Colorado, Oregon, Utah, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 117119 (Sub-No. 566), filed February 12, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O.

Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh or frozen meats*, in boxes, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Stevens Foods, Inc., located at Paris, Tex., to points in Colorado, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, Wyoming, and West Virginia, restricted to traffic originating at the named facilities and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 117119 (Sub-No. 567), filed February 12, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, chemicals, and related advertising and display materials* other than in bulk, in vehicles, equipped with mechanical refrigeration, from Clifton and Mays Landing, N.J., and Memphis, Tenn., to Sparks, Nev.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 117427 (Sub-No. 70), filed February 3, 1976. Applicant: G. G. PARSONS TRUCKING CO., P.O. Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood and accessories and materials* used in the installation and sale thereof, from the plantsite and warehouse facilities of Abitibi Corporation, located in Lucas County, Ohio to points in the United States in and east of Colorado, Nebraska, Oklahoma, North Dakota, South Dakota, and Texas.

NOTE.—Applicant holds contract carrier authority in MC 116145 therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117427 (Sub-No. 71), filed February 20, 1976. Applicant: G. G. PARSONS TRUCKING CO., a Corporation, P.O. Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* crated from North Wilkesboro, N.C., to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 116145, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Charlotte, N.C.

No. MC 117940 (Sub-No. 172), filed February 17, 1976. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phonograph records and tapes, phonograph and tape players, and recorders, radio and television receivers, musical instruments, wire and wooden racks, music books, adding or computing machines, and disc or tape sound recording carrying cases*, from points in New Jersey, New York, and Pennsylvania to warehouse sites of J. L. Marsh, Inc. located North Hollywood, Calif.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 118151 (Sub-No. 6), filed February 11, 1976. Applicant: R. L. LETSON, P.O. Box 57, Weatherford, Tex. 76086. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulations under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Galveston, Tex., to points in Idaho, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Miami, Fla.

No. MC 118537 (Sub-No. 4), filed February 11, 1976. Applicant: MARX TRUCK LINE, INC., 220 Lewis Blvd., Sioux City, Iowa 51101. Applicant's representative: George L. Hirschbach, P.O. Box 417, 5000 South Lewis Blvd., Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Activated sewage sludge*, from the plantsite and storage facilities of Milwaukee Sewerage Commission, at Milwaukee, Wis., to points in Iowa and Nebraska.

NOTE.—Applicant holds contract carrier authority in MC 61401 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Chicago, Ill.

No. MC 118806 (Sub-No. 47), filed February 12, 1976. Applicant: ARNOLD BROTHERS TRANSPORT, LTD., 739 Lagimodiere Blvd., Winnipeg, Manitoba, Canada R2J0T8. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, millwork, forest products*, and

such commodities as are manufactured or distributed by lumber mills and lumber yards, from points in the United States (except Alaska and Hawaii), to ports of entry on the International Boundary line between the United States and Canada located at or near Pembina and Dunseith, N. Dak. and Noyes, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118811 (Sub-No. 4), filed February 13, 1976. Applicant: LAWRENCE MCKENZIE, doing business as MCKENZIE TRUCKING SERVICE, Route No. 5, and Box 111, Winchester, Ky. 40391. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, between points in Boyd County, Ky., on the one hand, and, on the other, points in Franklin, Greene, Hamilton, Montgomery, Ross, and Scioto Counties, Ohio; Cabell County, W. Va.; and Wayne County, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Ashland or Lexington, Ky.

No. MC 118899 (Sub-No. 7), filed February 18, 1976. Applicant: BALTIMORE TANK LINES INC., 180 Eighth Ave., P.O. Box 1028, Glen Burnie, Md. 21061. Applicant's representative: Lawrence E. Line-man, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Baltimore, Md., to the District of Columbia, Alexandria, Va., and points in Arlington, Fairfax, and Prince William Counties, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Baltimore, Md. or Washington, D.C.

No. MC 119118 (Sub-No. 47), filed February 4, 1976. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and related advertising material moving therewith (a) from Pabst, Ga., to Dayton and Cambridge, Ohio; and (b) from Rochester, N.Y., to Atlantic City, N.J.; and (2) *empty malt beverage containers* in the reverse direction.

NOTE.—Applicant holds contract carrier authority in MC 116564 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Pittsburgh, Pa.

No. MC 119702 (Sub-No. 47), filed February 18, 1976. Applicant: STAHL CARTAGE CO., 130 Hillsboro Ave., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh St. NW.,

Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid calcium chloride*, in bulk, in tank vehicles, (1) from the storage facilities utilized by Dow Chemical Co. located at or near St. Louis, Mo., to points in Illinois, Iowa, and Missouri; and (2) from the storage facilities utilized by W & W Sales & Leasing Co., located at or near Meredosia, Ill., to points in Illinois, Iowa, and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 119789 (Sub-No. 280), filed February 9, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts*, from the plant-sites and warehouse facilities of Square D Company located at Peru, Ind.; Oxford, Ohio; Florence and Lexington, Ky., to points in Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio or Dallas, Tex.

No. MC 119880 (Sub-No. 79), filed February 19, 1976. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus juice concentrate*, from Corona and Ventura, Calif. to Evanston, Ill. and Bridgeton, N.J.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Chicago, Ill.

No. MC 121470 (Sub-No. 11), filed February 23, 1976. Applicant: TANKSLEY TRANSFER COMPANY, a Corporation, 801 Cowan Street, Nashville, Tenn. 37207. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed hardboard, fibreboard, and particle board*, from the plant-site and storage facilities of Printwood, Inc., at or near Dickson, Tenn., to points in the United States in and east of points in Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; and (2) *equipment, materials, and supplies* used in the manufacture of the commodities named in (1) above, from points in the United States in and east of points in Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, to the plant-site and storage facilities of Printwood, Inc., at or near Dickson, Tenn. restricted in (1) and (2) above to the transportation of traffic originating at or destined to the plant-site and storage facilities of Printwood, Inc., at or near Dickson, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Nashville, Memphis, or Chattanooga, Tenn.

No. MC 121664 (Sub. No. 13), filed February 13, 1976. Applicant: G. A. HORNADY, CECIL M. HORNADY, AND B. C. HORNADY, doing business as HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Drewry Rd., Monroeville, Ala. 36460. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cross ties*, treated or untreated, between points in Alabama and Mississippi, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Atlanta, Ga.

No. MC 123407 (Sub-No. 289), filed February 12, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products and millwork*, from points in Washington and Oregon to points in Colorado, Delaware, Illinois, Indiana, North Dakota, Iowa, Kansas, Kentucky, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Carolina, New York, New Jersey, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

No. MC 123407 (Sub-No. 291), filed February 19, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Fullerton and Carson, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 123407 (Sub No. 292), filed February 23, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy. 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers, and materials and supplies* used in the installation thereof, from Buffalo, N.Y., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123476 (Sub-No. 22), filed Feb. 23, 1976. Applicant: CURTIS TRANSPORT, INC., 3616 Jeffco Blvd., P.O. Box 388, Arnold, Mo. 63010. Applicant's representative: David Dimit (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Expanded plastic products and accessories*; (2) *materials, equipment, and supplies* used or useful in the manufacture and distribution of the commodities named in (1); and (3) rejected or refused shipments, between Royersford, Pa., on the one hand, and, on the other, points in the United States in and east of U.S. Highway 85, restricted against the transportation of commodities in bulk.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Louis or Jefferson City, Mo.

No. MC 123765 (Sub-No. 5), filed February 4, 1976. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, Wisc. 53204. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wisc. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities manufactured, shipped, or received by Outboard Marine Corporation, its subsidiaries and divisions* (except commodities in bulk), between Milwaukee and Beloit, Wisc., and Waukegan and Galesburg, Ill., restricted to traffic originating at and destined to, the plant-sites, warehouses and distribution facilities of Outboard Marine Corporation, its subsidiaries and divisions.

NOTE.—Applicant holds contract carrier authority in MC 6031 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wisc.

No. MC 124211 (Sub-No. 273), filed Feb. 10, 1976. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, and such commodities* as are dealt in and used by distributors of beverages (except commodities in bulk), (1) between points in North Dakota, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) between points in Nebraska, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Bismarck or Fargo, ND.

No. MC 124813 (Sub-No. 143), filed February 17, 1976. Applicant: UMTUN TRUCKING CO., a Corporation, 910 South Jackson Street, Eagle Grove, Iowa

50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone and limestone products*, from Fort Dodge, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Nebraska, South Dakota, and Wisconsin; (2) *dry fertilizer and dry fertilizer materials*, from Humboldt, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Ohio, and Wisconsin; and (3) *dry fertilizer and dry fertilizer materials*, from points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, to Humboldt, Iowa.

NOTE.—Applicant holds contract carrier authority in MC 118468 Sub-No. 16 and others, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 125470 (Sub-No. 13), filed February 17, 1976. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from the plantsite and facilities of Morton Salt Company at or near Hutchinson, Kans., to the plantsite and facilities of E. I. DuPont De Nemours and Company at or near Woodstock, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Kansas City, Mo.

No. MC 125648 (Sub-No. 3) (Correction), filed December 22, 1975, published in the FEDERAL REGISTER issue of January 29, 1976, republished as corrected this issue. Applicant: C. WHITE & SON, INC., Evans Road, Rocky Hill, Conn. 06067. Applicant's representative: Clifford C. White (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 (except liquefied petroleum gases, in containers and in bulk), in tank vehicles, and *automobile accessories* from Rocky Hill, Conn. to points in that part of Massachusetts on and west of Massachusetts Highway 12, under a continuing contract or contracts with F. L. Roberts & Co., Inc.

NOTE.—The purpose of this republication is to indicate applicant seeks to convert its requested authority from a Certificate of Registration to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn., Boston, Mass., or New York, N.Y.

No. MC 125777 (Sub-No. 162), filed February 20, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Leonard R. Kof-

kin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, in dump vehicles, from Port of Toledo, Ohio, to points in Michigan on and south of U.S. Highway 10.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 126899 (Sub-No. 92), filed February 11, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., P.O. Box 3156, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703-706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material*, and *empty malt beverage containers* on return, from Peoria, Ill., to Tiffin, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Columbus, Ohio.

No. MC 127042 (Sub-No. 169), filed February 9, 1976. Applicant: HAGEN, INC., 3232 Hwy. 75 N., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, including frozen foodstuffs not for human consumption (except commodities in bulk), between the storage and warehouse facilities of Wiscold, Inc., located at or near Beaver Dam and Milwaukee, Wis., on the one hand, and, on the other, points in Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Milwaukee, Wis.

No. MC 127524 (Sub-No. 12) (Correction), filed January 15, 1976, published in the FEDERAL REGISTER issue of February 20, 1976, republished as corrected this issue. Applicant: QUADREL BROS. TRUCKING COMPANY, INC., 1603 Hart Street, Rahway, N.J. 07065. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Biomass*, consisting of fermented starch, soybean meal, lard, oil, water and salt potassium, in bulk, in special tank vehicles, from Terre Haute, Ind., to Belvidere, N.J.

NOTE.—The purpose of this republication is to indicate applicant is seeking "Common" carrier authority in lieu of "Contract" carrier authority. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 127840 (Sub-No. 46), filed March 1, 1976. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 North LaSalle St., Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Animal mucosa*, in bulk, in tank vehicles, from points in the United States (except Alaska and Hawaii), to Cordova, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 127840 (Sub-No. 47), filed March 1, 1976. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 North LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal mucosa*, in bulk, in tank vehicles, from points in the United States (except Alaska and Hawaii), to Franklin, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 224), filed February 12, 1976. Applicant: MID-WESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bound and unbound printed matter*, from Oklahoma City, Okla., to points in the United States (except Alaska, Hawaii, and Oklahoma).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 128273 (Sub-No. 225), filed February 23, 1976. Applicant: MID-WESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* (except frozen). (1) from San Diego, Calif., to points in Iowa, Illinois (except Chicago), Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Texas, and Wisconsin; and (2) from Terminal Island, Calif., to points in the United States in and east of North Dakota, South Dakota, Wyoming, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles or San Diego, Calif.

No. MC 128313 (Sub-No. 4), filed January 23, 1976. Applicant: TEMPO TRUCKING, INC., R.F.D. No. 5, Washington Court House, Ohio 43160. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork skins*, from the plantsite of Sugar Creek Packing Co., Inc., located at or near Washington Court House, Ohio, and from commercial storage facilities located in Ohio, to points in the United States (except Alaska, Arizona, Hawaii, Idaho, Maine, Montana, Nevada, New Hamp-

shire, North Dakota, South Dakota, Vermont, Wyoming, and District of Columbia), restricted to a transportation service to be performed under a continuing contract or contracts with Sugar Creek Packing Co., Inc.

NOTE.—Applicant states that it now holds authority to transport fresh and processed pork from the same plantsite and facilities to all of the states involved in this application and believes that the commodity description covers the involved pork skins and is therefore performing this service under its existing authority. Applicant has concurrently filed a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128837 (Sub-No. 3), filed February 18, 1976. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, Ill. 62033. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, glass with glass containers and glass jars, and jars, lids, stoppers and glass closures* used with glass containers and glass jars, and fiberboard boxes, from the plantsite and facilities of Obear-Nester Glass Company located at Lincoln, Ill., to points in Arkansas, Alabama, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Maryland, North Carolina, Nebraska, New Jersey, New York, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, and West Virginia.

NOTE.—Applicant holds contract carrier authority in No. MC 139244 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 128940 (Sub-No. 27), filed February 10, 1976. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 722, Adelphi, Md. 20783. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated plastic sheets, plastic moldings and adhesives* used in the application thereof, and *materials, equipment and supplies* used in the manufacture, sale and distribution thereof, between Odenton, Md., on the one hand, and, on the other, points in Alabama, Colorado, Florida, Georgia, Indiana, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Tennessee, under a continuing contract or contracts with Exxon Chemical Co., U.S.A.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128988 (Sub-No. 78), filed February 12, 1976. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: (1) *Aluminum rod*, from Conkelley, Mont., to Abingdon and Damascus, Va., and Jefferson City, Mo.; (2) *zirconium tubing*, from Albany, Oreg., to Blairsville, Pa.; (3) *marine, industrial and commercial gears, condensers, turbines and related parts and accessories*, (a) from Sunnyvale, Calif., to Philadelphia, and Lester, Pa., and Buffalo, N.Y., and (b) from Buffalo, N.Y., to Sunnyvale, Calif.; and (4) *steel forgings*, from Burnham, Pa. to Sunnyvale, Calif., restricted against the transportation of commodities which by reason of size or weight require the use of special equipment and commodities in bulk, and further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Pittsburgh, Pa.

No. MC 129326 (Sub-No. 20), filed February 20, 1976. Applicant: CHEMICAL TANK LINES, INC., P.O. Box 437, Mulberry, Fla. 33860. Applicant's representative: L. Agnew Myers, Jr., Suite 406-07 Walker Building, 734 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, for export, from Plant City, Fla., to Tampa, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tampa, Fla. or Washington, D.C.

No. MC 129624 (Sub-No. 6), filed February 17, 1976. Applicant: ROUTE MESSENGERS OF PENNSYLVANIA, INC., 2425 Bannockburn Street, Philadelphia, Pa. 19146. Applicant's representative: Alan Kahn, 1920 Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copying machine parts and supplies*, no single parcel or package to exceed 100 pounds in weight, from Pennsauken, N.J., to points in New Castle and Kent Counties, Del.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 129808 (Sub-No. 20), filed February 20, 1976. Applicant: GRAND ISLAND CONTRACT CARRIER CORP., P.O. Box 2078, Grand Island, Nebr. 68801. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation pipe and fittings*, (a) From the plantsite and warehouse facilities of Heinzman Manufacturing Co., Division of Heinzman Engineering, Inc. at or near Grand Island, Nebr., to points in the United States (except Alaska and Hawaii); (b) from the plantsite and warehouse facilities of Heinzman Manufacturing Co., Division of Heinzman Engineering, Inc., at or near Grand Island, Nebr., to ports of entry on the Interna-

tional Boundary line between the United States and Canada located at or near Simpson, Whitlash, Sweetgrass, Port of Pegan, Del Bonita, and Port of Chief Mountain, Mont., restricted to traffic moving in foreign commerce, to points in Alberta, Canada; and (2) *materials, supplies, and equipment* utilized in the manufacture, sale, and distribution of irrigation pipe and fittings, from points in the United States (except Alaska and Hawaii) to the plantsite and warehouse facilities of Heinzman Manufacturing Co., Division of Heinzman Engineering, Inc. at or near Grand Island, Nebr., parts (1) and (2) under a continuing contract or contracts with Heinzman Manufacturing Co., Division of Heinzman Engineering Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 133095 (Sub-No. 91), filed February 23, 1976. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carcass lambs*, from the plantsite and storage facilities of Wilson & Co., Inc., located at Denver, Colo., to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and the District of Columbia, restricted to the transportation of traffic originating at the above specified plantsite and/or storage facilities.

NOTE.—Applicant holds contract carrier authority in No. MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Dallas, Tex.

No. MC 133119 (Sub-No. 89), filed February 9, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pizza*, from Minneapolis, Minn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, Oklahoma, South Carolina, and Tennessee and points in Missouri on and east of U.S. Highway 67.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Omaha, Nebr.

No. MC 133119 (Sub-No. 90), filed February 23, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packers* as described in Section A, C and D of Appendix I to the report in *Descriptions in Motor Car-*

rier Certificates 61 M.C.C. 208 and 766 (except commodities in bulk in tank vehicles, and hides), from the plantsite and storage facilities utilized by John Morrell & Co., located in Memphis, Tenn., to Sioux Falls, S. Dak., restricted to traffic originating at the above-named origin and destined to the above destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Chicago, Ill.

No. MC 133146 (Sub-No. 15), filed Jan. 30, 1976. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3300 Northeast Expressway, Atlanta, Ga. 30341. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers or distributors of (1) heat transfer, refrigeration and air conditioning units; (2) parts and attachments, for the commodities described in part (1); and (3) equipment, materials and supplies, for commodities described in parts (1) and (2) (except commodities in bulk), between Camdenton, Mo.; Dowagiac, Mich.; and Santa Fe Springs, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to a transportation service to be performed under a continuing contract or contracts with Sundstrand Heat Transfer, Inc. and Dawson Metal Products, Inc., subsidiaries of Sundstrand Corporation; and Frigid Coil, a division of Sundstrand Heat Transfer, Inc.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133655 (Sub-No. 88), filed February 17, 1976. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products, from Jackson, Ala., to points in Alabama, Florida, Georgia and Mississippi.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 133689 (Sub-No. 71), filed February 13, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First Street, S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs (except commodities in bulk), from Duluth, Minn., and Superior, Wis., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originat-*

ing at the plantsite and storage facilities of Jeno's, Inc., at or near the above named origins and destined to the above named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134467 (Sub-No. 12), filed February 6, 1976. Applicant: POLAR EXPRESS, INC., Box 691, Springdale, Ark. 72764. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seafood (1) from South Bend, Wash., to points in Illinois, Indiana and Ohio; and (2) from Seattle, Wash., to points in Colorado, California, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Texas and Wisconsin.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 134477 (Sub-No. 97), filed February 6, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fargo and West Fargo, N. Dak., to points in Yellowstone County, Mont., King County, Wash. and Alameda, Fresno, Los Angeles, Orange and San Francisco Counties, Calif., restricted to traffic originating at the plantsite and warehouse facilities of Flavorland Industries, located at or near Fargo and West Fargo, N. Dak., and destined to the above named destinations.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134599 (Sub-No. 139), filed February 18, 1976. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment used in the manufacture of candy and confectioneries for plant relocation (except commodities requiring special equipment), from Sulphur Springs, Tex., to Ashley and Centralia, Ill., under a continuing contract or contracts with Hollywood Brands, Division of Consolidated Foods Corporation.*

NOTE.—Applicant holds contract carrier in MC 139906, therefore dual operations may be involved. If a hearing is deemed necessary,

the applicant requests it be held at either Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134599 (Sub-No. 140), filed February 18, 1976. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated office furniture and parts of office furniture and advertising, sales, and promotional materials for office furniture (except commodities in bulk or those which because of size or weight require the use of special equipment), from the facilities of Steelcase, Inc., located at Grand Rapids, Mich., to points in Arizona, Idaho, Nevada, Oregon, Utah and Washington, under a continuing contract or contracts with Steelcase, Inc.*

NOTE.—Applicant holds common carrier authority in No. MC 139906 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 134755 (Sub-No. 65), filed January 28, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet articles; toilet preparations; drugs; medicines; cosmetic articles; and medical materials and articles, restricted against commodities in bulk, from Clinton, Conn., to points in Union City and Los Angeles, Calif.*

NOTE.—Applicant holds contract carrier authority in No. MC 138398 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn. or Kansas City, Mo.

No. MC 135364 (Sub-No. 26), filed February 9, 1976. Applicant: MORWALL TRUCKING, INC., R.D. No. 3, Box 76-C, Moscow, Pa. 18444. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *(1) Artificial Christmas trees, wreaths, garlands and shrubbery, from Lexington, Ky., and West Cox-sackie, N.Y., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin; and (2) materials and supplies and equipment used in the manufacture and distribution of the above commodities on return, under a continuing contract or contracts in (1) and (2) above with American Technical Industries or its Divisions and Subsidiaries.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135391 (Sub-No. 4), filed February 9, 1976. Applicant: WILDERNESS EXPRESS, INC., P.O. Box 6509, Duluth, Minn. 55801. Applicant's representative: Donald L. Stern, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk), from the plantsite and warehouse facility of Jen's Inc., located at or near Sodus, Mich., to points in Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia; and (2) *foodstuffs, materials, equipment and supplies* used by Jen's Inc., in the conduct of its business (except commodities in bulk), from points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin and Wyoming to Sodus, Mich., under a continuing contract or contracts with Jen's Inc., of Duluth, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 135454 (Sub-No. 16), filed February 19, 1976. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road, Webster, N.Y. 14580. Applicant's representative: Francis P. Barrett, 60 Adams St. (P.O. Box 238), Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mushrooms*, from the plantsite of Ron Son Mushrooms, Inc. at Glassboro, N.J. to the plantsite of Ragu Foods, Inc. at Rochester, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 135454 (Sub-No. 17), filed February 19, 1976. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road, Webster, N.Y. 14580. Applicant's representative: Francis P. Barrett, 60 Adams Street (P.O. Box 238), Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sanitary pads*, from Milltown, N.J. to Rochester, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 135486 (Sub-No. 14), filed February 23, 1976. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th St., Marion, Ind. 46952. Applicant's repre-

sentative: Terrence D. Jones, Suite 300, 1126 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, from the facilities of The Kroger Co., located at or near Ft. Worth, Tex., to the facilities of The Kroger Co., located at or near Cincinnati and Columbus, Ohio, and Indianapolis, Ind., under a continuing contract or contracts with The Kroger Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135684 (Sub-No. 19), filed February 3, 1976. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herber Alan Dubin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Burlap bagging and burlap cloth*, from New York, N.Y., and Hoboken, Jersey City, and Port Newark, N.J. to Flemington, N.J.; (2) *burlap and cotton bags, and finished burlap cloth*, from Flemington, N.J., to New York, N.Y.; (3) *paper*, in rolls, from Berlin, N.H., to Flemington, N.J.; (4) *burlap bags, laminated burlap bags with plastic liners, burlap cloth, and laminated burlap cloth*, from Flemington, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; (5) *burlap*, from Buffalo, N.Y., Norfolk, Va., Philadelphia, Pa., and Baltimore, Md., to Flemington, N.J.; (6) *wrapping paper*, from Harrisburg, Pa., to Flemington, N.J.; (7) *plastic bottles, jars, jugs, and closures*, in containers, from Nashua, N.H., to points in New Jersey, points in Pennsylvania on and east of U.S. Highway 11, New York, N.Y., and points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, Albany, Greene, Ulster, Orange, and Rockland Counties, N.Y.

(8) *Rejected, returned, and damaged shipments* of the commodities described in (7) above, from the above-specified destination points, to Nashua, N.H.; (9) *plastic containers, and plastic tubes*, from Flemington, N.J., to points in Connecticut, Delaware, Florida, Illinois, Indiana, Massachusetts, Maryland and the District of Columbia; Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Wisconsin; (10) *returned shipments* of the commodities described in (9) above, from the above-named points, to Flemington, N.J.; (11) *paper bags and closures therefor*, from East Pepperell, and Ayer, Mass., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia; (12) *returned shipments* of paper bags and closures, from the next above-specified destination points, named in (11) above, to East Pepperell and Ayer, Mass.; (13) *plastic bottles, jars, jugs, and closures*, from Nashua, N.H., to points in New

York (except New York, N.Y., and points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, Albany, Greene, Ulster, Orange, and Rockland Counties, N.Y.), points in Delaware, and those points in Virginia west of the Chesapeake Bay and Maryland west of the Susquehanna River and the Chesapeake Bay; Connecticut, Maine, Massachusetts, Rhode Island, Vermont, points in that part of Pennsylvania west of U.S. Highway 11, Wilmington, N.C., and East Pepperell, Mass.; (14) *returned shipments* of the commodities named in (14) above, from the destination points named in (14) above, to Nashua, N.H.; (15) *sewing machine heads and stands*, between East Pepperell and Ayer, Mass., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, and Virginia; (16) *plastic sheet liners, and containers*, from East Pepperell and Ayer, Mass., to points in Delaware, Maryland, Pennsylvania, New Jersey, New York, and Virginia.

(17) *Returned shipments* of plastic sheet liners and containers, from the next above-specified destination points, to East Pepperell and Ayer, Mass.; (18) *paper and plastic bags*, from East Pepperell, and Ayer, Mass., and Nashua, N.H., to Flemington, N.J.; (19) *plastic bags and sheeting*, from Terre Haute, Ind., to Flemington, N.J.; (20) *synthetic fabric*, from Old Hickory, Tenn., to Flemington, N.J.; (21) *paper bags*, from Newtown, Conn., to points in Ohio, Pennsylvania and Virginia; (22) *kraft wrapping paper and wood pulpboard*, from West Point, Va., to Newtown, Conn.; (23) *paper bags and wrapping paper*, from Buffalo, N.Y., to Philadelphia, Pa., and points in New Jersey and that part of the New York, N.Y. Commercial Zone as defined in *Commercial Zone and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203 (B) (F) of the Act (the "exempt" zone); (24) *burlap bags and paper bags*, from Buffalo, N.Y., to points in Ohio and Michigan; (25) *returned shipments* of the commodities described in (24) above, from the destination points described in (24) above, to Buffalo, N.Y.; (26) *plastic products* (except in bulk), from Flemington, N.J., to points in Connecticut, Delaware, Florida, Georgia, Maine, Massachusetts, Maryland, New Hampshire, Flemington, N.J.; (28) *plastic articles*, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, Vermont, West Virginia, and the District of Columbia; (27) *materials and supplies* (except in bulk), used in the manufacture and distribution of plastic products, from the destination points named in (26) above, to Flemington, N.J.; (28) *plastic articles*, from Louisiana, Mo., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Mississippi, New Hampshire, New York, North Carolina, New Jersey, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Vermont, and the District of Columbia.

(29) *Resin*, in containers, from points in Alabama, Connecticut, Delaware, Louisiana, Maine, Massachusetts, Maryland, Mississippi, New Hampshire, North Carolina, South Carolina, Rhode Island, Vermont, Virginia, and the District of Columbia, to Louisiana, Mo.; (30) *plastic articles*, from Nashua, N.H., to points in Illinois, Indiana, Ohio, and West Virginia; (31) *paper and paper articles*, from Newtown, Conn., to points in Delaware, Maine, Massachusetts, Maryland, New York, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, and Vermont; (32) *materials, supplies, and equipment* (other than bulk), used in the manufacture and distribution of plastic articles and paper articles, and returned shipments of plastic articles and paper and paper articles, from the destination points named in (31) above, to Newtown, Conn.; (33) *plastic bottles and jars, closures*, for plastic bottles and jars, and *cartons and partitions*, from Nashua, N.H., to points in New Hampshire; and (34) *paper and plastic products and closures*, from East Pepperell and Ayer, Mass., to points in North Carolina and South Carolina.

NOTE.—Applicant holds contract carrier authority in MC 87720 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Flemington or Trenton, N.J.

No. MC 153684 (Sub-No. 20), filed February 10, 1976. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, Suite 1030, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard and by-products thereof, fibreboard and by-products thereof, and paperboard and by-products thereof*, (a) from, Cuyahoga Falls, Youngstown, and Rittman, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized; and (b) from, Rittman, Ohio, to points in Connecticut, Massachusetts, and Rhode Island; (2) *machinery, materials and supplies* (except wastepaper, liquid commodities in bulk, and those commodities requiring the use of special equipment) used in the manufacture of pulpboard and by-products thereof, fibreboard and by-products thereof, and paperboard and by-products thereof, (a) from, points in Connecticut, Massachusetts, and Rhode Island, to Rittman, Ohio; and (b) from, points in Delaware, Illinois, Indiana (except South Bend), Kentucky, Maryland, Michigan (except Plymouth), Missouri, New Jersey, New York (except Lockport), Pennsylvania (except Pittsburgh), Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Cuyahoga Falls, Youngstown, and Rittman, Ohio,

with no transportation for compensation on return except as otherwise authorized; (3) *paperboard and paperboard products*, from, Lancaster, Pa., to points in New York, New Jersey, Delaware, Maryland, Virginia, Ohio, West Virginia, and the District of Columbia; (4) *skids, pallets, and containers* on or in which such paperboard and paperboard products are shipped, from, points in the destination territory specified immediately above, to Lancaster, Pa.; (5) *machinery, materials, and supplies* used in the manufacture of paperboard and paperboard products (except liquid commodities in bulk, and except waste paper), from, points in New York (except New York, N.Y.), New Jersey (except Hudson, Essex, and Bergen Counties), Delaware, and Ohio, to Lancaster, Pa.; (6) *skids, pallets, and containers* on or in which such machinery, materials, and supplies are shipped, from, Lancaster, Pa., to points in the origin territory specified immediately above; and (7) *waste paper*, from points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New York, New Jersey, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia, to Akron, Cleveland, and Rittman, Ohio.

NOTE.—By instant application, applicant seeks to convert its Certificate of Registration in MC 87720 to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at either Flemington or Trenton, N.J.

No. MC 135691 (Sub-No. 13), filed March 1, 1976. Applicant: DALLAS CARRIERS CORP., 3610 Garden Brook Drive, P.O. Box 34080, Dallas, Tex. 75234. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Automotive parts and accessories, automotive jacks and cranes* (not self-propelled), *hand, electric and pneumatic tools, and advertising materials, premiums, racks, display cases and signs*, from Batavia, Ill., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Walker Manufacturing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 135691 (Sub-No. 14), filed March 1, 1976. Applicant: DALLAS CARRIERS CORP., 3610 Garden Brook Drive, P.O. Box 34080, Dallas, Tex. 75234. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Automotive parts and accessories, automotive jacks and cranes* (not self-propelled), *hand, electric and pneumatic tools, and advertising materials, premiums, racks, display cases and signs*, from Southaven, Miss. and Jonesboro, Ark., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used in the manufacture, sale

and distribution of the aforementioned commodities, from points in the United States (except Alaska and Hawaii) to Southaven, Miss. and Jonesboro, Ark., under a continuing contract or contracts with Walker Manufacturing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 135732 (Sub-No. 14), filed January 16, 1976. Applicant: AUBREY FREIGHT LINES, INC., 605 Grove Street, P.O. Box 503, Elizabeth, N.J. 07202. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Gums*, the exudation of trees, shrubs and fruits thereof, *seaweed* and derivatives made therefrom, *botanical drugs, products and ingredients thereof, extracts, resins, concentrates, spices, oils and colors* (except commodities in bulk), in vehicles equipped with mechanical refrigeration; and (2) *commodities* the transportation of which is otherwise exempt from economic regulation under section 203(b) (6) of the Act, when transported in the same vehicle at the same time with the commodities described in (1) above, from piers in New York Harbor, warehouses and facilities at points in the New York, N.Y. Commercial Zone, as defined by the Commission, points in Hudson, Bergen, Passaic, Essex, Union Counties, N.J., and Nassau County N.Y., to point in Nebraska, Indiana, Ohio, Illinois, Oregon, Michigan, Wisconsin, North Dakota, Delaware, Pennsylvania, Missouri, Kansas, California, Minnesota, New York, West Virginia, Kentucky, North Carolina, South Carolina, Georgia, Washington, Texas, Mississippi, Tennessee, Louisiana, Alabama, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 136318 (Sub-No. 38), filed February 6, 1976. Applicant: COYOTE TRUCK LINE INC., P.O. Box 756, Thomasville, N.C. 27360. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from Los Angeles, Calif., to points in the United States (except Alaska and Hawaii); and (2) *returned, refused and rejected new furniture*, from points in the United States (except Alaska and Hawaii), to Los Angeles, Calif., restricted to traffic originating at or destined to the facilities utilized by Gillespie Furniture Co. and further restricted to traffic moving under a continuous contract or contracts with Gillespie Furniture Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136408 (Sub-No. 35), filed February 18, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa

51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Surgical drapes and gowns*, packed for sterilization, from Uniontown, Pa., to Sherman, Tex., under a continuing contract or contracts with Johnson & Johnson, located in New Brunswick, N.J.

NOTE.—Applicant holds common carrier authority in No. MC 140829 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 136786 (Sub-No. 93), filed February 20, 1976. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Avenue Northwest, P.O. Box 12729, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and printed matter*, from Dallas, Tex., to points in Colorado, Georgia, Kansas, Minnesota and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 136916 (Sub-No. 13), filed February 19, 1976. Applicant: LENAPE TRANSPORTATION, CO., INC., P.O. Box 227, Lafayette, N.J. 07848. Applicant's representative: Bert Collins, Suite 6193-5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cemdust blend and materials* utilized in the production thereof, in bulk, in tank vehicles, between Sussex County, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 138026 (Sub-No. 7), filed February 9, 1976. Applicant: LOGISTICS EXPRESS, INC., doing business as LOGEX, Etiwanda & Slover Avenues, Fontana, Calif. 92335. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid hydrogen* in bulk, in tank vehicles, from the plantsite of Air Products and Chemicals, Inc., located in Long Beach, Calif., to points in Arkansas, Kansas, Missouri, Nebraska, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, San Francisco or San Diego, Calif.

No. MC 138054 (Sub-No. 13) filed February 17, 1976. Applicant: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove Calif. 92642. Applicant's representative: Patrick E. Quinn,

P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Power transmission equipment and component parts and accessories*, (1) from Eaton Ohio to points in Nevada; and (2) from Marysville, Ky., to Dallas, Tex.; St. Louis, Mo.; Memphis, Tenn.; Kernersville, N.C.; New York, N.Y.; North Bergen, N.J.; Chicago, Ill.; Detroit, Mich., and points in Arizona, California, Colorado, Nevada, Oregon and Washington, under a continuing contract or contracts with Emerson Electric Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 138235 (Sub-No. 6), filed January 22, 1976. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route 23, Pompton Plains, N.J. 07444. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Freezers, refrigerators, ranges, ovens, hoods, canopies, washing machines, dryers, disposal units, sheet steel articles, air coolers, heaters, humidifiers, compactors, air conditioners, television sets, stereos, radios, garden or lawn tractors, lawn mowers, tillers, and components parts of the foregoing, materials, supplies and equipment used in or for the installation of the foregoing (except commodities in bulk and those which require the use of special equipment)*, between the facilities utilized by J. C. Penney Company, Inc. at or near Anderson, Ind., on the one hand, and, on the other, the stores and distribution centers of J. C. Penney Company, Inc., located at or near Birmingham, Dothan, Fairfield, Mountain Brook, Opelika, and Decatur, Ala.; Jonesboro, and Russellville, Ark.; Aurora, Boulder, Colorado Springs, Denver, Englewood, Fort Collins, Greeley, Pueblo, Roydale, Westminster, Colo.; Enfield, Farmington, Manchester, Meriden, Stamford, and Norwich, Conn. and Dover, Wilmington, Del.; Bradenton, Clearwater, Daytona Beach, Ft. Myers, Ft. Lauderdale, Gainesville, Hialeah, Hollywood, Jacksonville, Lakeland, Lauderdale Lakes, Mary Esther, Melbourne, Merritt Island, Miami, N. Miami Beach, Orlando, Panama City, Pensacola, Pinellas Park, Pompano Beach, Sanford, Sarasota, Saint Petersburg, Tampa, Titusville, Vero Beach, W. Palm Beach, and Winter Park, Fla.

Atlanta, Augusta, Columbus, Decatur, Forest Park, Griffin, Macon, Morrow, and Norcross, Ga.; Aurora, Belleville, Berwyn, Carbondale, Champaign, Chicago, East Alton, Elgin, Elk Grove Village, Fairview Heights, Freeport, Galesburg, Harvey, Jacksonville, Joliet, Lombard, Matteson, Melrose Park, Niles, N. Riverside, Orland Park, Pekin, Riverside, Rockford, Schaumburg, Springfield, and Sterling, Ill.; Ames, Cedar Rapids, Des Moines, Dubuque, Ft. Dodge, Keokuk, New Burlington, Sioux City, and West Des Moines, Iowa; Emporia, Kansas City, Leavenworth, Manhattan, Mission, Over-

land Park, St. Joseph, and Topeka, Kans.; Clarksville, Florence, Frankfort, Hopkinsville, Louisville, Owensboro, and Paducah, Ky.; Alexandria, Baton Rouge, Lake Charles, and Shreveport, La.; Catonsville, Eastpoint, Forestville, Frederick, Gaithersburg, Hagerstown, Rockville, Silver Spring, and Columbia, Md., and Adrian, Ann Arbor, Big Rapids, Cheboygan, Dearborn, Grand Rapids, Harper Woods, Iron Mountain, Kingsford, Mt. Pleasant, Muskogee Heights, Taylor, Novi, Saginaw, Southfield, Sterling Heights, Troy, Westland, Belding and Greenville, Mich.; Burnsville, Duluth, Fairmont, International Falls, Minneapolis, Minnetonka, Plymouth, Rochester, Roseville, St. Cloud, Marshall, Willmar, and Winona, Minn.; Meridian, Miss.; Cape Girardeau, Columbia, Des Peres, Grandview, Hannibal, Jennings, Joplin, Kansas City, N. Kansas City, Rolla, St. Ann, St. Louis, and Sikeston, Mo.; Bellevue, Freemont, Lincoln, McCook, Norfolk, Omaha, and Scottsbluff, Nebr.; Audubon, Cherry Hill, Dover, Eatontown, East Brunswick, Edison, Paramus, Thorofare, Toms River, Trenton, Voorhees, and Wayne, N.J.; Bayshore, Buffalo, Depew, De Witt, Farmingdale, Garden City, Greece, Ithaca, Lakewood, Little Falls, Massapequa, Middletown, New Hyde Park, Plattsburgh, Port Richmond, Rochester, and Valley Stream, N.Y.; Rochester, N.H.

Charlotte, Colfax, Durham, Fayetteville, Gastonia, Greensboro, Greenville, High Point, Raleigh, Rockingham, Rocky Mount, and Winston-Salem, N.C.; Fargo, N. Dak.; Akron, Barberton, Canton, Celina, Chillicothe, Cleveland, Columbus, Dayton, Elyria, Findlay, Lima, Mansfield, Maple Heights, Marion, Menton, Milford, N. Omstead, N. Randall, Obetz, Sandusky, Springfield, Solon, Toledo, and Youngstown, Ohio; Allentown, Baden, Bradford, Bridgeville, Chambersburg, Erie, Greensburg, Johnstown, King of Prussia, Langhorne, Media, Middletown, Monroeville, Montgomeryville, North Versailles, Philadelphia, Pittsburgh, Upper Darby, and Washington, Penn.; Anderson, Charleston, Columbia, Fayetteville, and Florence, S.C.; Alcoa, Chattanooga, Jackson, and Kingsport, Tenn.; Arlington, Beaumont, Brownsville, Dallas, Ft. Worth, Harlingen, Houston, Hurst, Irving, Laredo, Longview, McAllen, Mesquite, Port Arthur, San Antonio, Sherman, Tyler, and Wichita Falls, Tex.; Alexandria, Arlington, Hampton, Martinsville, Newington, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, Roanoke, Springfield, and Virginia Beach, Va.; Martinsburg, Morgantown, and Parkersburg, W. Va.; Beloit, Brookfield, Fond du Lac, Green Bay, Greendale, Madison, Manitowoc, Milwaukee, Neenah, Racine, Sheboygan, Waukesha, Wauwatosa, and West Allis, Wis., and the District of Columbia, under a continuing contract or contracts with J. C. Penney Co., Inc. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 138299 (Sub-No. 9), filed February 4, 1976. Applicant: TRAILS

TRUCKING, INC., 719 Union Street, Montebello, Calif. 90640. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool insulating materials*, from Fontana, Calif., to points in Arizona, under a continuing contract or contracts with Rockwool Industries, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 138359 (Sub-No. 4), filed February 19, 1976. Applicant: LENNEMAN TRANSPORT, INC., 10 North Michigan St., Hutchinson, Minn. 55350. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Marshall, Minn., under a continuing contract with Lake Beverage Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138741 (Sub-No. 20), filed February 11, 1976. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, 910 Fairfax Bldg., 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between Southwind Maritime Centre, located at or near Mt. Vernon, Posey County, Ind., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Indianapolis, Ind.

No. MC 138902 (Sub-No. 5), filed February 19, 1976. Applicant: ERB TRANSPORTATION COMPANY, INC., P.O. Box 65, Crozet, Va. 22932. Applicant's representative: Harry C. Ames, Jr., Suite 805, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between Crozet, Va., on the one hand, and, on the other, points in Delaware, New Jersey, New York, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139084 (Sub-No. 9), filed February 17, 1976. Applicant: BIG VALLEY SUPPLY & ENTERPRISES, LTD., Station F, P.O. Box 8100, Calgary, Alberta, Canada T2J 2V2. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment, contractors' equipment, industrial tractors, tractor attachments, and accessories and parts* for the aforementioned commodities, from Oakland, Los Angeles, and West Covina, Calif.; Chicago, Deerfield, and Springfield, Ill.; Evansville and Terre Haute, Ind.; Bettendorf, Burlington, and Cedar Rapids, Iowa; Topeka and Wichita, Kans.; Minneapolis, Minn.; Findlay, Hudson, and St. Clairsville, Ohio; Tulsa, Okla.; Lubbock, Pampa, and San Antonio, Tex.; and Milwaukee, Racine, Schofield, and Wausau, Wis., to ports of entry on the International Boundary line between the United States and Canada located in Minnesota, North Dakota, and Montana, restricted to the transportation of traffic destined to points in the Province of Alberta, Canada, and further restricted to shipments moving to the facilities utilized by Ferguson Supply, Alberta, Ltd., of Calgary, Alberta, Canada; (2) *road construction machinery and equipment, contractors' equipment, industrial tractors, tractor attachments, and accessories and parts* for the aforementioned commodities, from Oakland, Los Angeles, and West Covina, Calif.; Chicago, Deerfield, and Springfield, Ill.; Evansville and Terre Haute, Ind.; Bettendorf, Burlington, and Cedar Rapids, Iowa; Topeka and Wichita, Kans.; Minneapolis, Minn.; Findlay, Hudson, and St. Clairsville, Ohio; Tulsa, Okla.; Lubbock, Pampa, and San Antonio, Tex.; and Milwaukee, Racine, Schofield, and Wausau, Wis. To ports of entry on the International Boundary line between the United States and Canada located in Minnesota, North Dakota, and Montana, restricted to the transportation of traffic destined to points in the Province of Alberta, Canada, and further restricted to shipments moving to the facilities utilized by Cedar Construction Equipment (Alberta) Ltd.; and

(3) (a) *All-terrain vehicles, amphibious vehicles, off-highway vehicles, and trailers equipped with tracks* (except boats, snowmobiles and motorcycles); and (b) *parts and accessories* of the commodities described in (a) above (1) between ports of entry on the International Boundary line between the United States located at or near Champlain, N.Y.; Sweetgrass, Mont.; Blaine, Wash.; Detroit, Mich.; Noyes, Minn.; and Pembina, N. Dak. on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) between ports of entry on the International Boundary line between the United States and Canada located on the Alaska-Yukon Territory boundary line southeast of Tetlin Junction, Alaska Highway 2, on the one hand, and, on the other, points in Alaska. Restricted to traffic either originating at or destined to the facilities of Canadair Flextrac, Ltd., of Calgary, Alberta, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 139207 (Sub-No. 3), filed December 31, 1975. Applicant: McNABB-WADSWORTH TRUCKING COMPANY, a Corporation, 1410 Lynn Garden Drive, Kingsport, Tenn. 37665. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated glass and glass products*, not exceeding 108 inches in height, from the facilities of ASG Industries, Inc., at Kingsport and at Greenland, Tenn., to points in Arkansas, Mississippi, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139468 (Sub-No. 13), filed February 20, 1976. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner, Houston, Tex. 77040. Applicant's representative: DAVID R. PARKER, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Decking*, from La Grange, Ga., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the plantsites and facilities utilized by National Steel Products Company, Inc. and further restricted to traffic under a continuing contract or contracts with National Steel Products Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 139495 (Sub-No. 124), filed February 20, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and animal foods* (except in bulk), from points in Alameda and Santa Clara Counties, Calif., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, and Texas.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139887 (Sub-No. 3), filed February 17, 1976. Applicant: G. E. BAXTER TRANSPORT, INC., 1521 Fifth Avenue, Los Angeles, Calif. 90019. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (other than those designed to be drawn by passenger automobiles), *chassis, cargo containers and trailer parts and articles* used in the manufacture of trailers when moving in trailers of shippers, between points in Lycoming, Bucks, Columbia, and Carbon

Counties, Pa., Orange County, N.Y., and Putnam County, W. Va., on the one hand, and, on the other, points in the United States including Alaska but excluding Hawaii, under a continuing contract with Strick Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 140033 (Sub-No. 11), filed February 17, 1976. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts*, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 283, from Gibson Metalux Corporation, located at or near Americus, Ga., to points in Arizona, California, Colorado, Idaho, Iowa, Nebraska, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Dallas, Tex.

No. MC 140277 (Sub-No. 6), filed February 19, 1976. Applicant: BILL BALL, doing business as BILL BALL TRUCKING, 131 West 18th St., Sioux Falls, S. Dak. 57105. Applicant's representative: Bill Ball (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Commodity bags, envelopes, packets or pouches or wrappers, flat, folded flat or in rolls requiring separation into individual units with or without compliment of bag ties, from the plantsite and storage facilities of American Western Corporation, located in Sioux Falls, S. Dak., to points in Arkansas, Louisiana, and Texas, under a continuing contract or contracts with American Western Corporation.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sioux Falls, S. Dak. or Sioux City, Iowa.

No. MC 140298 (Sub-No. 3), filed January 26, 1976. Applicant: BEN OLSSON, doing business as BEN OLSSON TRUCKING, Route 1, Ellettsville, Ind. 47429. Applicant's representative: Stephen L. Ferguson, 403 East Sixth Street, Bloomington, Ind. 47401. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber and construction and building materials of all kinds (except commodities in bulk), from Wickes Lumber and Building Supplies, at Hunt-ertown, Ind., to points in William, Defiance, Paulding, Van Wert, Mercer, Fulton, Henry, Putnam, Allen, Auglaize, and Shelby Counties, Ohio; and Branch, St. Joseph, and Hillsdale Counties, Mich., under contract with Wickes Lumber and Building Supplies, Division of the Wickes Corporation.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 140389 (Sub-No. 6), filed February 20, 1976. Applicant: OSBORN

TRANSPORTATION, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bakery goods and bakery products, and materials and supplies used or useful in the manufacture and distribution of bakery goods and bakery products, from the plantsites, warehouse and storage facilities of or used by Tennessee Doughnut Corp., in Davidson County, Tenn., to points in Alabama west of U.S. Highway 31 and points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, and Wisconsin.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140647 (Sub-No. 3), filed February 6, 1976. Applicant: SPOKELIE SALES & CONSTRUCTION, INC., Antelope, Mont. 59211. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plastic containers and articles dealt in and distributed by wholesale grocers, from the plantsites and storage facilities of Gregg's Food Products, Inc., located at or near Portland, Ore., to points in Minnesota, Montana, North Dakota, and South Dakota, restricted to a transportation service to be performed under a continuing contract or contracts with Gregg's Food Products, Inc., located at Portland, Ore.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Ore. or Billings, Mont.

No. MC 140694 (Sub-No. 3), filed February 2, 1976. Applicant: BINYON-O'KEEFE WAREHOUSE CO., a Corporation, 2155 Oaklawn, Dallas, Tex. 75119. Applicant's representative: Daniel M. Tartaglia, 3212 Collinsworth Street, Fort Worth, Tex. 76107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods, between points in Anderson, Cherokee, Collins, Dallas, Denton, Ellis, Freestone, Henderson, Johnson, Kaufman, Navarro, Rains, Rockwall, Smith, Tarrant Van Zandt, and Wood Counties, Tex., restricted (a) to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized; and (b) to the performance of pick up and delivery service in connection with the packing, crating and containerization or unpacking, uncrating and decontainerization of subject traffic.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Worth or Dallas, Tex.

No. MC 140883 (Sub-No. 7), filed February 19, 1976. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, Ga. 30345. Applicant's representative: Paul

M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plastic articles (except in bulk), from points in Newton and Rockdale Counties, Ga., to points in Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, under a continuing contract or contracts with Mobile Chemical Company—Plastic Division.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 140928 (Sub-No. 1), filed February 18, 1976. Applicant: VULCAN FREIGHT LINES, INC., P.O. Box 514, Pincon, Ala. 35126. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cross ties, treated or untreated, between points in Alabama and Mississippi, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, and Texas.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Atlanta, Ga.

No. MC 141197 (Sub-No. 4), filed March 1, 1976. Applicant: FLEMING-BABCOCK, INC., P.O. Box 107, Platte City, Mo. 64079. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 West 11th St., Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal, from points in Nowata County, Okla., to Independence, Mo., restricted to the transportation of shipments on behalf of City Power and Light of Independence, Mo.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 141366 (Sub-No. 1), filed February 2, 1976. Applicant: CENTRAL TRANSFER & STORAGE CO., a Corporation, 3060 Irving Blvd., Dallas, Tex. 75247. Applicant's representative: Daniel M. Tartaglia, 3212 Collinsworth, Fort Worth, Tex. 76107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods, between points in Anderson, Bosque, Cherokee, Collin, Cook, Dallas, Delta, Denton, Ellis, Erath, Fannin, Freestone, Grayson, Henderson, Hill, Hood, Hopkins, Hunt, Johnson, Kaufman, Lamar, Navarro, Palo Pinto, Parker, Rains, Rockwall, Smith, Somerville, Tarrant, Taylor, Van Zandt, Wise, and Wood Counties, Texas, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond points authorized; and further restricted to the performance of pick-up and delivery service in connection with packing, crating, and containerization or unpacking, uncrating or decontainerization of subject traffic.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Worth or Dallas, Tex.

No. MC 141603 (Sub-No. 2), filed February 11, 1976. Applicant: CANADIAN PACIFIC EXPRESS, LTD., 853 York Mills Road, Don Mills, Ontario, Canada M3B 1Y2. Applicant's representative: John H. Clune (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives and livestock) moving in express service, between ports of entry on the International Boundary line between the United States and Canada on the Niagara River, on the one hand, and, on the other, Buffalo, N.Y. and its Commercial Zone; and (2) between the ports of entry on the International Boundary line between the United States and Canada on the Detroit River, on the one hand, and, on the other, Detroit, Mich. and its Commercial Zone and the Detroit Metropolitan Wayne County Airport, restricted against the transportation of shipments weighing in the aggregate of 300 pounds or more from any one consignor to any one consignee on any one day, with no individual piece weighing more than 70 pounds.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 141609 (Sub-No. 1), filed February 18, 1976. Applicant: C. T. TRANSPORT, INC., P.O. Box 146, Milton, Ontario, Canada. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast prestressed reinforced concrete wall, roof and floor slabs, structural forms or shapes, girders and beams, and materials and supplies* used in the erection thereof, from ports of entry on the International Boundary line between the United States and Canada located in New York to points in New York, restricted to shipments originating at the plantsites of Pre-Con Company in Ontario, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 141640 (Sub-No. 2), filed February 9, 1976. Applicant: JOHN THOMAS LOUDERMILK, doing business as D & T TRANSPORT, R.R. No. 4, Box 54A, Mooresville, Ind. 46158. Applicant's representative: Stephen M. Gentry, 5700 West Minnesota Street, Indianapolis, Ind. 46241. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molten aluminum* in shipper owned containers, from the plantsite of the Anaconda Company, Aluminum Division at or near Seabee, Ky., to points in Illinois, Indiana, Kentucky, and Tennessee, under a continuing contract or contracts with Anaconda Company, Aluminum Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Indianapolis, Ind. or Louisville, Ky.

No. MC 141734, filed January 5, 1976. Applicant: EARL DUWAYNE LUNDY, 302 Fillmore Street, New Cumberland, W. Va. 26047. Applicant's representative: Ronald E. Wilson, Phillips Building, Chester Street, P.O. Box 638, New Cumberland, W. Va. 26047. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which are dealt in by a brewing company, between Pittsburgh, Pa. and Cleveland and Steubenville, Ohio, Morgantown, Fairmont, and Wheeling, W. Va., St. Louis and Kansas City, Mo., Detroit and Lansing, Mich., Terre Haute and Lafayette, Ind., and Milwaukee, Wis., under a continuing contract or contracts with Pittsburgh Brewing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Wheeling, W. Va.

No. MC 141739 (Sub-No. 2), filed February 9, 1976. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 1523 18th NE., Puyallup, Wash. 98731. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral fibre, mineral fibre products and insulating materials*, from the facilities of U.S. Gypsum Company, at or near Tacoma, Wash., to points in California, Idaho, Montana, Nevada, and Utah and points of entry on the International Boundary line between the United States and Canada located at points in Idaho, Montana, and Washington for service to provinces of Alberta and British Columbia, Canada, under a continuing contract or contracts with United States Gypsum Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 141742, filed February 9, 1976. Applicant: FLOWERS TRANSPORTATION, INC., P.O. Box B, Station A, Auburn, Calif. 95603. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, forest products and building materials*, (1) between points in California, Oregon, Texas, and Washington; and (2) from points in California and Oregon, to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Sacramento, Calif.

No. MC 141763 (Sub-No. 2), filed February 17, 1976. Applicant: ARNOLD JOHNSON, doing business as ARNOLD JOHNSON TRUCKING, 502½ Highway 301 North, Folkston, Ga. 31537. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville,

Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, shavings, and sawdust*, from points in Charlton County, Ga. to Jacksonville, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 141773 (Sub-No. 1), filed February 9, 1976. Applicant: THERMO TRANSPORT, INC., 156 East Market Street, Indianapolis, Ind. 46204. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plantsite and warehouse facilities of Jones & Laughlin Steel Corporation, at Indianapolis, Ind.; Allquippa, Pa.; and Youngstown and Lewisville, Ohio, to points in Washington, Oregon, California, and Arizona.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 141792 (Sub-No. 1), filed February 17, 1976. Applicant: N & N TRUCKING, INC., Box 44, Belk, Ala. 35545. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, in bulk (except in tank vehicles), from the facilities of Georgia Pacific Corporation, located at Belk, Ala., to Louisville and Taylorsville, Miss.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 141795 (Sub-No. 1), filed February 12, 1976. Applicant: A & B EXPRESS CO., INC., 200 Riser Road, Little Ferry, N.J. 07643. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wines and liquors* (except in bulk in tank vehicles) between points in New York and New Jersey, under continuing contract with Monsieur Henri Wines, Ltd., and Hudson Valley Wine Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141804 (Sub-No. 1), filed February 23, 1976. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., Rt. 3, Box 2040, Goodlettsville, Tenn. 37072. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except commodities in bulk), from Louisville and Frankfort, Ky.; St. Louis, Mo.; Detroit, Mich.; and Lynchburg, Tenn., to the plantsite and storage facilities of Young's Market Company, at Rialto, Anaheim, Los Angeles, and San Diego, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn. or Los Angeles, Calif.

No. MC 141805, filed February 17, 1976. Applicant: HOOSIER TRANSPORT, INC., P.O. Box 414, State Road 36, Danville, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, and household goods as defined by the Commission), between points in Posey County, Ind., on the one hand, and, on the other, points in Indiana, Kentucky, and Illinois, restricted to traffic having a prior or subsequent movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Indianapolis, Ind.

No. MC 141806, filed February 13, 1976. Applicant: CHARLES KRAFT AND ANTHONY VALVO, doing business as VEE-KAY CARTAGE COMPANY, a Partnership, 2115 N. Austin Street, Chicago, Ill. 60639. Applicant's representative: Michael Parisi, 11 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid aluminum alloys and aluminum ingots*, from Chicago, Ill., to Milwaukee, Wis.; and (2) *scrap metals*, from Milwaukee, Wis., to Chicago, Ill., (1) and (2) under a continuing contract, or contracts with Lissner Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Milwaukee, Wis.

No. MC 141835, filed January 23, 1976. Applicant: VERMONT COMMERCIAL WAREHOUSING, INC., P.O. Box 604, Essex Junction, Vt. 05452. Applicant's representative: Henry U. Snively, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those which because of size or weight require the use of special equipment and alcoholic beverages), between Burlington, Vt., on the one hand, and, on the other, points in Vermont, those points in Grafton, Sullivan, Merrimack, Cheshire, and Coos Counties, N.H., and points in Clinton, Essex, Franklin, St. Lawrence, Warren, Washington, Rensselaer, and Saratoga Counties, N.Y.

NOTE.—Applicant holds contract carrier authority in MC 124686 Sub 1, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Burlington or Montpelier, Vt.

PASSENGER APPLICATION

No. MC 33705 (Sub-No. 6), filed February 20, 1976. Applicant: KELSO-OCEAN BEACH STAGE LINE, a Cor-

poration, P.O. Box 746, Kelso, Wash. 98626. Applicant's representative: David C. White, 2400 S.W. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in Grays Harbor County, Wash., and Clatsop and Columbia Counties, Oreg., and extending to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 117831 (Sub-No. 4), filed January 16, 1976. Applicant: S. SISKIND & SONS, INC., 1567 Watson Avenue, Bronx, N.Y. 10474. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in seasonal operations, extending from June 1 to September 30, inclusive, of each year, between New York, N.Y. and points in Nassau, Suffolk, Westchester and Rockland Counties, N.Y., points in New Jersey, points in Fairfield County, Conn., Philadelphia, Pa., and points in Pennsylvania on, south and east of a line extending from the intersection of the Delaware River and U.S. Highway 22 at or near Easton, Pa., thence southwesterly over U.S. Highway 22 to its intersection with Pennsylvania Highway 230, at or near Harrisburg, Pa., thence over Pennsylvania Highway 230 to junction Pennsylvania Highway 283, thence over Pennsylvania Highway 283 to junction Pennsylvania Highway 272, thence over Pennsylvania Highway 272 to junction U.S. Highway 222, thence over U.S. Highway 222 to the Pennsylvania-Maryland State Boundary line, on the one hand, and, on the other, points in Wayne, Monroe and Pike Counties, Pa., points in Delaware, Greene, Chenango, Dutchess, Orange, Warren, Sullivan, Putnam and Albany Counties, N.Y., and points in Litchfield and New London Counties, Conn., points in Sussex County, N.J., and points in Berkshire County, Mass.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

BROKER APPLICATION

No. MC 130357, filed January 12, 1976. Applicant: FLOYD P. ROOT, Box 8, Belden, Nebr. 68717. Applicant's representative: (Same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Belden, Nebr., to sell or offer to sell the transportation of *Groups of passengers and their baggage*, in charter operations, by motor carriers, beginning and ending at Belden, Nebr., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wayne County Courthouse at Wayne, Nebr. or Cedar County Courthouse, at Hartington, Nebr.

No. MC 130360, filed January 7, 1976. Applicant: MCINTOSH TRAVEL AGENCY, INC., 48 Society Street, P.O. Box 599, Charleston, S.C. 29402. Applicant's representative: B. Allston Moore, Jr., 5 Exchange Street, P.O. Box 999, Charleston, S.C. 29402. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Charleston, S.C., to sell or offer to sell the transportation of *Groups of passengers and their baggage*, in special and charter operations, by motor carriers, beginning and ending at Charleston, S.C., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charleston, S.C., or at some point as close to Charleston as possible.

WATER APPLICATIONS

No. W-1300 (Sub-No. 1), filed January 26, 1976. Applicant: CHILDRESS SHIPPING, INC., Route 3, Box 1642, Foley, Ala. 36535. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 267, Arlington, Va. 22201. Authority sought to engage in operation, in interstate or foreign commerce as a common carrier by water in the transportation of *General towage*, between ports and points along the Apalachicola and Chattahoochee Rivers, and tributaries thereto, and ports and points along the Gulf of Mexico coast between New Orleans, La., and Tampa, Fla., including the Intracoastal Waterway between said points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Mobile, Ala.

No. W-1301, filed January 19, 1976. Applicant: OMER H. DRURY AND CHARLES O. DRURY, a Partnership, Box 248, Troy, Idaho 83871. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to engage in operation, in interstate or foreign commerce as a common carrier by water in the transportation of *Individual passengers and groups of passengers, and their baggage, and incidental food and camping equipment*, by self-propelled pontoon float vessels, in excursion cruises, from Hells Canyon Dam, Idaho on the Snake River to Buffalo Eddy Public Access, Wash., approximately 6 miles below the mouth of the Grand Ronde River.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7648 Filed 3-17-76;8:45 am]

[Notice No. 3]

ASSIGNMENT OF HEARINGS

MARCH 15, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only

once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 61592 Sub 372, Jenkins Truck Line, Inc., now being assigned May 18, 1976 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC-F 12673, Robert Neff & Sons, Inc., Trailways Express, Inc., and The Columbus-Cincinnati Trucking Company, A Corp.—Investigation of Control, now being assigned May 19, 1976 (3 days), at Columbus, Ohio, in a hearing room to be later designated.

MC-C 8831, Associated Truck Lines, Inc. Et Al V. Lyons Transportation Lines, Inc. Et Al, now being assigned May 24, 1976 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC-F 12656, Fishbach Trucking Co.—Control And Merger—Coyle Trucking Co., And Peck Movers, Inc., and MC 111398 Sub 15 & 16, now being assigned May 26, 1976 (3 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 106149 (Sub 2), American Holiday Van Lines, Inc. now being assigned June 7, 1976 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134730 (Sub 4), Metals Transports, Inc. now being assigned June 9, 1976 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138235 (Sub 4), Decker Transport Co., Inc. now being assigned June 9, 1976 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 102295 (Sub 27), Guy Heavener, Inc. now being assigned June 10, 1976 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115841 (Sub 506), Colonial Refrigerated Transportation, Inc. now being assigned June 14, 1976 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12562, Sturm Freightways, Inc.—Purchase—Barrick Transfer Co., Inc. and MC 108649 (Sub-No. 7), Sturm Freightways, Inc., now assigned May 11, 1976, at Chicago, Ill., is canceled and reassigned for May 11, 1976 (9 days), at Springfield, Ill., Forum 30, 700 East Adams Street.

MC 124692 (Sub-No. 153), Sammons Trucking, now being assigned March 24, 1976, at St. Paul, Minn., in Court Room 2, Federal Building and U.S. Courthouse, 316 North Roberts Street, (3 days).

MC 105813 (Sub 205), Belford Trucking Co., now being assigned June 7, 1976 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 139495 (Sub 97), National Carriers, Inc., now being assigned June 9, 1976 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC-C-8885, Altrik Freight Systems, Et Al v. Tompkins Motor Lines, Et Al now being assigned April 20, 1976 (2 days) at New Orleans, Louisiana and will be held in Room 223, East Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC 119988 (Sub 85), Great Western Trucking Co., Inc., now being assigned April 22, 1976 (1 day) at New Orleans, Louisiana and

will be held in Room 223, East Court Room, U.S. Court of Appeals, 600 Camp Street.
MC 113267 (Sub 327), Central & Southern Truck Lines, Inc., now being assigned April 23, 1976 (1 day) at New Orleans, Louisiana will be held in Room 223, East Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC 128273 (Sub 219), Midwestern Distribution, Inc., and MC 139495 (Sub 112), National Carriers, Inc., now being assigned April 5, 1976 (1 day), at Chicago, Ill., in Room 3855, 230 S. Dearborn St.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7783 Filed 3-17-76;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 10, 18th Rev.]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Exemption Under the Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company. Reporting Marks: ATSF.
Atlanta and Saint Andrews Bay Railway Company. Reporting Marks: ASAB.

Bangor and Aroostook Railroad Company. Reporting Marks: BLE.
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee. Reporting Marks: CNJ.

Chicago, Rock Island and Pacific Railroad Company. Reporting Marks: RI-ROCK.
Chicago, West Pullman & Southern Railroad Company. Reporting Marks: CWP.
The Denver and Rio Grande Western Railroad Company. Reporting Marks: DRGW.

Illinois Terminal Railroad Company. Reporting Marks: ITC.
Louisville, New Albany & Corydon Railroad Company. Reporting Marks: LNAC.

Missouri-Kansas-Texas Railroad Company. Reporting Marks: MKT.
Missouri Pacific Railroad Company. Reporting Marks: CEI-MI-MP-TP.
St. Louis-San Francisco Railway Company. Reporting Marks: SLSP.

Deleted: The Baltimore and Ohio Railroad Company, The Chesapeake and Ohio Railway Company, Chicago and North Western Transportation Company, Elgin, Joliet and Eastern Railway Company, Erie Lackawanna Railway Company, Soo Line Railroad Company, Southern Railway System, Western Maryland Railway Company.

Effective 11:59 p.m., March 9, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 2, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-7784 Filed 3-17-76;8:45 am]

[Rule 19; Ex Parte No. 241,
Exemption No. 115]

ERIE LACKAWANNA RAILWAY CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption Under the Mandatory Car Service Rules

It appearing, that the Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees (EL) and the Norfolk and Western Railway Company (N&W) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the EL and N&W without regard to the requirements of Car Service Rules 1 and 2.

Reporting Marks:

EL
DL&W, EL, ERIE.
N&W
NKP, N&W, P&WV, VGN, WAB.

Effective March 4, 1976.

Expires June 15, 1976.

Issued at Washington, D.C., March 4, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-7782 Filed 3-17-76;8:45 am]

[Rule 19, Ex Parte No. 241,
Exemption No. 116]

**GRAND TRUNK WESTERN RAILROAD CO.
AND NORFOLK AND WESTERN RAIL-
WAY CO.**

**Exemption Under the Mandatory Car
Service Rules**

It appearing, that the Grand Trunk Western Railroad Company (GTW) and the Norfolk and Western Railway Company (N&W) have each agreed to the unrestricted use by the other of its plain gondola cars less 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the GTW and N&W without regard to the requirements of Car Service Rules 1 and 2.

Reporting Marks:

GTW
GTW

N&W
NKP, P&WV,
VGN, WAB,
N&W

Effective March 4, 1976.

Expires June 15, 1976.

Issued at Washington, D.C., March 6, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-7783 Filed 3-17-76; 8:45 am]

[Rule 19, Ex Parte No. 241; Exemption
No. 114]

**LEHIGH VALLEY RAILROAD CO. AND
READING CO.**

**Exemption Under the Mandatory Car
Service Rules**

It appearing, that the Lehigh Valley Railroad Company (Robert C. Halde- man, Trustee) (LV) and the Reading Company, Andrew L. Lewis, Jr. and Joseph L. Castle, Trustees (Rdg) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the LV and

Rdg without regard to the requirements of Car Service Rules 1 and 2.

Reporting Marks:
LV, Rdg.

Effective March 4, 1976.

Expires June 15, 1976.

Issued at Washington, D.C., March 4, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-7781 Filed 3-17-76; 8:45 am]

[Rule 19; Ex Parte No. 241;
Exemption No. 112]

**NORFOLK AND WESTERN RAILWAY CO.
AND READING CO.**

**Exemption Under Mandatory Car Service
Rules**

It appearing, that the Norfolk and Western Railway Company (N&W) and the Reading Company, Andrew L. Lewis, Jr. and Joseph L. Castle, Trustees (Rdg) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the N&W and Rdg without regard to the requirements of Car Service Rules 1 and 2.

Reporting Marks:

N&W Rdg
NKP, N&W, P&WV, Rdg.
VGN, WAB.

Effective March 3, 1976.

Expires June 15, 1976.

Issued at Washington, D.C., March 3, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-7780 Filed 3-17-76; 8:45 am]

[No. MC-C-8973]

ROADWAY EXPRESS CO.

**Petition for Declaratory Order, Newark,
Del., Superhighway Operations**

MARCH 15, 1976.

Petitioner: Roadway Express, Inc. Pe- titioner's representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave- nue, N.W., Washington, D.C. 20014.

By petition filed February 5, 1976, Roadway Express, Inc., seeks a ruling as to the scope of service which it may pro- vide at Newark, Del., under section 1042.-

3(b) of the Superhighway Rules—Motor Common Carriers of Property, 49 CFR 1042.3(b).

It is noted that the Superhighway Rules—Motor Common Carriers of Prop- erty, 49 CFR 1042.3 enable a certificated regular-route motor common carrier of general commodities, with or without ex- ceptions, to operate over superhighways (including highways connecting such su- perhighways with the carrier's author- ized regular service route) between the point of departure from and the point of return to the carrier's authorized regular service route, provided that the operation is conducted within the guidelines speci- fied either in the "25-mile" rule (section 1042.3(a)(1)), or the "80-percent" pro- vision (section 1042.3(a)(2)). Briefly, the "25-mile" rule requires that the su- perhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route) between the point of departure from and the point of return to the carrier's authorized regular service route must (1) extend in the same general di- rection as the carrier's authorized regu- lar service route, and (2) be wholly within 25 airline miles of the carrier's authorized regular service route. The "80-percent" provision requires that the distance over the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route) be- tween the point of departure from and the point of return to the carrier's au- thorized regular service route must be not less than 80 percent of the distance between such points over the carrier's authorized regular service route. The "in- termediate point service" provision (sec- tion 1042.3(b)) of the Superhighway Rules allows a carrier conducting super- highway operations under the above-de- scribed "25-mile" rule, which carrier is authorized to serve all intermediate points (without regard to nominal ex- ceptions) on its underlying certificated regular service route between the point of departure from and the point of re- turn to the said service route, to serve in- termediate points on and within 1 air- line-mile of the said superhighway route (and the highways connecting the said superhighway route with the carrier's authorized regular service route) in the same manner and subject to correspond- ing service limitations as described in the pertinent certificate or certificates of public convenience and necessity.

Petitioner is a regular-route, motor common carrier apparently authorized to transport general commodities (with ex- ceptions) between Philadelphia, Pa., and the District of Columbia, from Philadel- phia, Pa., over U.S. Highway 1 and, also, over U.S. Highway 40 to the District of Columbia, serving all intermediate points on both routes. The involved superhigh- way route (including connecting non- superhighways) extends from Philadel- phia, Pa., over unspecified non-super- highways to junction Interstate High- way 95, thence over Interstate Highway 95 to the District of Columbia, and re- turn over the same route. Petitioner be- lieves that under the "intermediate-

point service" provision (section 1042.3 (b)) of the Superhighway Rules it may serve intermediate points on and within 1 airline-mile of the above-described superhighway route (and connecting non-superhighways). In connection with its provision of service at points on the above-described superhighway route petitioner would prefer to establish a terminal at an intermediate point on the said superhighway route at or near Newark, Del.

The operations the lawfulness of which petitioner seeks to have determined involve the pickup and delivery of freight at points on the above-described superhighway route by a vehicle operating between such points on said superhighway route and petitioner's proposed terminal facilities at or near Newark, at which facilities such freight would be transferred to or from a different vehicle which would perform the line-haul movement of freight between petitioner's terminal at Newark and points on peti-

tioner's authorized underlying regular service route. Petitioner believes that the above-described operations may not be within the permissible scope of the Superhighway Rules, inasmuch as the vehicle operating between points on the said superhighway route and the terminal at Newark (also a point on the superhighway route) would not, in fact, "depart" from a point on Petitioner's authorized underlying regular service route as petitioner has been informed is required by the provisions of section 1042.3 (a) of the Superhighway Rules.

Petitioner requests a formal ruling of the Commission as to whether the above-described operations are within the scope of the Superhighway Rules. Petitioner states that the ruling requested will not have any significant adverse effect on the quality of the human environment.

No oral hearing is contemplated at this time, but any person (including petitioner) desiring to participate in this

proceeding shall file an original and fifteen (15) copies of written representations, views, or arguments in the matter with the Commission on or before May 5, 1976. A copy of each representation shall be served on petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours. Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with Director, Office of the Federal Register.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7787 Filed 3-17-76;8:45 am]

federal register

THURSDAY, MARCH 18, 1976



PART II:

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service



MILK IN THE APPALACHIAN, CHATTANOOGA AND KNOXVILLE, TENNESSEE AND OHIO VALLEY MARKETING AREAS

**Recommended Decision and Opportunity
To File Written Exceptions**

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1011, 1033, 1090, 1101]

[Docket Nos. AO-251-A19; AO-266-A21;
AO-195-A25; AO-166-A48]

MILK IN THE APPALACHIAN; CHATTANOOGA, TENNESSEE; KNOXVILLE, TENNESSEE; AND OHIO VALLEY MARKETING AREAS

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Appalachian; Chattanooga, Tennessee; Knoxville, Tennessee; and Ohio Valley marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before April 7, 1976. The exceptions should be filed in six copies. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Knoxville, Tennessee, on June 23-27 and July 7-10, 1975, pursuant to notices thereof which were issued April 25 (40 FR 18946) and May 5, 1975 (40 FR 20095).

The material issues on the record of the hearing relate to:

1. Merger of orders and expansion of marketing area.
2. Order provisions applicable to:
 - (a) Milk to be priced and pooled.
 - (b) Classification.
 - (c) Class I price.
 - (d) Location adjustments.
 - (e) Partial payments to producers.
 - (f) Base-excess plan.
 - (g) Administrative provisions.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Merger of orders and expansion of merged marketing area.* The marketing

area of the proposed order should include all the territory in the presently designated marketing areas of the Appalachian, Chattanooga, and Knoxville orders and in the following 19 counties: Bell, Breathitt, Knott, Knox, Leslie, Letcher, Perry, and Whitley in Kentucky; Carter, Claiborne, Hancock, Hawkins, Johnson, and Unicoi in Tennessee; and Buchanan, Dickenson, Lee, Russell, and Scott in Virginia.

The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs, and affects interstate commerce in milk and milk products.

The marketing area specified in the proposed order, hereinafter referred to as the "Tennessee Valley marketing area", is comprised of 59 contiguous counties in Georgia, Kentucky, Tennessee, Virginia, and West Virginia.

Most plants that would be fully regulated under the proposed order have Class I sales in two or more of the states of Alabama, Georgia, Kentucky, North Carolina, Ohio, Tennessee, Virginia, and West Virginia. These plants receive milk from farms located in Georgia, Kentucky, Tennessee, Virginia, and West Virginia. Milk not needed for fluid use is routinely moved across state lines to nonpool manufacturing plants.

Marketing conditions in the marketing area adopted herein justify the issuance of a single order to regulate the handling of milk in this territory. This single order is the most appropriate means of effectuating the declared policy of the Act.

A cooperative representing a large majority of the dairy farmers supplying milk to the three markets proposed a single order. It proposed that the marketing areas of the three orders be expanded to include 33 additional counties in four states. The 33 counties are: Bell, Breathitt, Floyd, Johnson, Knott, Knox, Leslie, Letcher, Magoffin, Martin, McCreary, Perry, Pike, and Whitley in Kentucky; Carter, Claiborne, Hancock, Hawkins, Johnson, and Unicoi in Tennessee; Bland, Buchanan, Dickenson, Lee, Russell, Scott, Smyth, and Wythe in Virginia; and Logan, Mingo, Monroe, Summers, and Wyoming in West Virginia. At the hearing, proponent asked that Johnson, Magoffin, Martin, and Pike counties in Kentucky not be considered for inclusion in the merged marketing area. No testimony was presented and no action is taken with respect to these counties. The cooperative contended that the remaining 29 counties are an integral part of the sales area of handlers now regulated by the three orders, and accordingly they should be included in the defined marketing area.

Handlers proposed and supported a combination of the Chattanooga and Knoxville orders. In support of their proposal the handler spokesmen pointed out the interrelationship of distribution routes of handlers in these two markets. They emphasized that the largest handler under the Chattanooga order is also, in fact, the handler with the largest

distribution under the Knoxville order. In their view, the two markets were indistinguishable as separate markets.

At the same time, these handlers opposed the inclusion of the Appalachian order market or any presently unregulated territory in the merger. They contended that there was not a substantial interrelationship between the Appalachian market and the Knoxville and Chattanooga markets. They offered no substantive evidence in support of their position that regulation should not be extended to include any presently unregulated territory. Notwithstanding, their concern over the potential impact of a new plant operation of Flav-O-Rich, Inc. (a wholly-owned subsidiary of Dairymen, Inc.), at London, Kentucky, which is scheduled to be operational in early 1976 was clearly evident. This plant by location clearly will be a competitive factor not only in the area covered by the existing orders but also in parts of the additional territory being added where regulated handlers have substantial business.

When the three orders were promulgated, they regulated the handling of milk in areas that were clearly distinguishable as separate markets for particular handlers and producer groups. Changes in market structures since that time have caused these separately identified areas to become substantially interrelated in both the distribution and procurement of milk. Moreover, it is reasonable to expect that this interrelationship will become more and more involved in the period ahead.

From a distribution standpoint, the separate marketing area boundaries initially reflected the limits of competition among handlers in the respective areas and there was a minimum of intermarket competition. Since the respective orders were promulgated, however, there has been extensive consolidation of distribution operations. The number of regulated handlers has declined significantly. In 1956, when the most recently promulgated order (Chattanooga) became effective, 42 handlers regulated under the three orders received milk from producers.¹ In May 1975, only 13 distributing plants were fully regulated under the three orders.

The consolidation of distribution facilities has resulted in the growth of intermarket distribution. The largest distributor of fluid milk products in both the Knoxville and Chattanooga markets is regulated under the Chattanooga order. Four handlers regulated under the Appalachian order have distribution in the Knoxville marketing area. One of these handlers has sales in all three markets. Of the three handlers regulated under the Knoxville order, two have sales in the Chattanooga marketing area, one

¹ Official notice is taken of Federal Milk Order Market Statistics, 1947-56, Statistical Bulletin, No. 248, Issued May 1959 by the Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C.

of whom also distributes milk in the Appalachian marketing area.

Some handlers operate regulated plants in more than one of the markets. Pet, Inc., operates two distributing plants regulated under the Appalachian order and one under the Knoxville order. Flav-O-Rich, Inc., operates two distributing plants regulated under the Appalachian order and one each under the Knoxville and Chattanooga orders.

Flav-O-Rich, Inc., is a wholly-owned subsidiary of the proponent cooperative, Dairymen, Inc. (DI), a regional cooperative whose member producers supply more than 85 percent of the milk pooled under the three respective orders. As previously indicated, Flav-O-Rich, Inc., is in the process of constructing a large milk bottling plant at London, Kentucky. It is likely that when the plant becomes operational, Flav-O-Rich will close at least two of its other distributing plants in this area, thereby furthering the trend toward plant consolidation. Although no sales pattern can now be established for such plant, it clearly will have a significant impact on milk marketing throughout the general area now regulated by the three separate orders.

A plant of the size projected for the London plant potentially would be a serious disruptive factor if the separate orders were retained. The anticipated plant closings and consolidation of distribution routes in this plant could have a very profound impact on independent producer returns in the respective markets. In fact, it is possible that because of its anticipated wide area of distribution, the plant would not meet the in-area distribution requirement prerequisite to pooling under any of the respective orders.

The changing sales areas of regulated handlers under the three orders are reflected in their route disposition inside and outside the marketing areas of their respective orders. By 1974, route disposition outside their defined marketing area by handlers regulated under the Appalachian, Chattanooga, and Knoxville orders were 61 percent, 32 percent, and 13 percent, respectively, of their total route disposition.

Although 1974 route disposition within the Appalachian marketing area was only 39 percent of the total route disposition from Appalachian order pool plants, it was 84 percent of the total route disposition in the Appalachian marketing area by all plants.

Chattanooga order pool plants, 68 percent of whose 1974 route disposition was in the Chattanooga marketing area, had 88 percent of the total route disposition sales in the Chattanooga marketing area.

In the Knoxville marketing area, where Knoxville order pool plants had 87 percent of their total 1974 route disposition, only 49 percent of the total route disposition in the Knoxville marketing area was from such plants.

Better highways, improved transportation and refrigeration facilities have made it feasible to move packaged milk

over long distances. For example, the predecessor company of a handler regulated under the Appalachian order previously operated a number of smaller plants at various locations in the marketing area. To achieve greater efficiency, the capacity of those plants was consolidated into a single large facility in Bristol, Virginia. Currently, milk processed and bottled in this plant is regularly transported by truck to distribution points as much as 240 miles from the plant.

Handlers who would be regulated by the proposed order are the principal distributors in the 19 additional counties being added to the combined marketing area. These 19 counties are an integral part of the sales area of such handlers.

In 8 of the 19 counties (Leslie, Knott, and Breathitt in Kentucky; Claiborne, Hancock, and Hawkins in Tennessee; and Dickenson and Lee in Virginia) all Class I sales are from plants that would be fully regulated under the merged order.

In 6 of the 19 counties (Bell, Letcher, Knox, Perry, and Whitley in Kentucky; and Buchanan in Virginia) some Class I distribution is made by fully regulated handlers under other Federal orders. However, handlers who would be fully regulated by the merged order have by a wide margin a majority of the total Class I sales in the 6 counties.

In 5 of the 19 counties (Russell and Scott in Virginia; and Johnson, Carter, and Unicoi in Tennessee) some Class I sales are made by handlers who are not fully regulated by any Federal order. However, the limited quantities of milk distributed from such plants in the 5 counties are insubstantial both as a percentage of the total sales in the 5 counties and in terms of the unregulated plants' total sales.

Federally regulated plants must pay the minimum order Class I price on all Class I sales, both within and outside the defined marketing area. Nonfederally regulated plants are not subject to such pricing regulation. Such plants can dispose of milk in unregulated areas that would otherwise be surplus to their operations and use the pricing advantage to take sales away from regulated plants.

If the 19 counties were not included in the marketing area, the federally regulated plants that distribute fluid milk products in these counties would be vulnerable to sales competition from nonfederally regulated plants. Including these counties in the marketing area will contribute to orderly marketing by insuring that any competitive advantage an unregulated plant may have on its sales in the 19 counties would be minimized by the terms of the order applicable to such sales.

When the individual orders were promulgated, many of the producers in the market were members of relatively small cooperatives that confined marketing activities to the local marketing area. The majority of the producers now supplying the separately regulated areas are no longer associated with local

market organizations. As previously indicated, more than 85 percent of the producers supplying milk to the three markets are members of DI.

Within a single month, the cooperative may move milk of individual members as producer milk to several plants, each of which is regulated under a different order. This flexibility in directing its members' milk enables it to efficiently carry out its varied arrangements for supplying milk to handlers and disposing of surplus milk. In December 1974, for example, 172 member producers of Tennessee Valley Division of DI each delivered milk to two or more markets. These movements of milk indicate that producers, rather than being associated with the three existing separate markets, are in fact associated with a combined large single market.

Returns from all member milk sold in these markets are collected by the cooperative and rebled to its members. The price each member receives for his milk may or may not be related to the order uniform price announced for the market or markets to which his milk was delivered.

Proponent cooperative operates two plants (other than the distributing plants operated by Flav-O-Rich, Inc., referred to previously) that are used either to supply milk to pool handlers or to assemble milk for shipment off the market when not needed by other pool handlers. The plants, neither of which has manufacturing capabilities, are in London, Kentucky, and Bristol, Virginia, respectively.

Another of the cooperative's plants, in Chattanooga, has receiving, cooling, and storage facilities as well as facilities for manufacturing butter and powder. This plant, which was pooled under the Chattanooga order prior to August 1974, is now pooled under the Georgia order. It continues to be, however, a major outlet for reserve milk supplies associated with the Appalachian, Knoxville, and Chattanooga markets.

In handling the reserve supplies of these markets, the cooperative may pool milk from dairy farmers received at its plants as producer milk under the order regulating the plant or as a diversion from an other order plant. In the first, instance, the regular producers on the market that pooled the reserve milk are forced to carry the burden of the lower-priced utilization for another market's surplus milk. Their uniform price thus is lower than if the reserve milk had been pooled on the market with which it is regularly associated. Under these conditions, a potential exists for development of serious inequities between the cooperative's members and other producers.

Prices received by the cooperative's member producers are not necessarily affected if the cooperative rebleds its proceeds from the different markets. However, returns to producers who are not members of the cooperative can be adversely affected by the cooperative's method of pooling the milk received at

its plants. Because the proponent cooperative represents the preponderance of producers on the three markets here being considered, it has had the ability to adjust returns to producers among these markets through the manner in which it adjusts its milk movements. It is reasonable to assume that it has followed a practice of adjusting receipts among the markets to maximize the cooperative's share of returns from Class I sales. Merger of the three orders considered here will minimize the potentially disruptive effect that a cooperative's marketing practices otherwise could have in the market.

Of the 40 counties in the present Appalachian, Chattanooga, and Knoxville marketing areas, 27 are in Tennessee, seven in Georgia, three in Virginia, two in West Virginia, and one in Kentucky. Total population of the three areas is 1.83 million (1970 census). The 59-county marketing area proposed for adoption herein is a contiguous area with a total population of 2.25 million. It comprises the basic sales territory within which handlers who would be regulated by the merged order are the principal distributors of milk. No new plants would be brought under regulation through the area expansion proposed herein.

Bristol and Norton, Virginia, are geographically within the respective perimeters of Washington and Wise counties, which are in the marketing area. The cities are, however, independent political units that are not a part of the county government. In view of their independent status, they are listed separately in the attached order as a part of the marketing area.

The order should provide that all territory within the boundaries of the specified counties, including all waterfront facilities connected therewith and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments, if any part thereof is within these counties, should be a part of the Tennessee Valley marketing area. Such provision will clarify any questions that may arise concerning whether a particular territory is included in the defined marketing area.

The West Virginia counties of Logan, Mingo, Wyoming, Monroe, and Summers and the Kentucky counties of Floyd and Pike are not included in the marketing area of the Tennessee Valley order. Of the 7 counties, 5 (Logan, Mingo, Wyoming, Floyd, and Pike) are in the marketing area of the Ohio Valley order. Monroe and Summers are not in the marketing area of any Federal order.

Dairymen, Inc., proposed inclusion of the 7 counties in the merged marketing area. Adoption of its proposal, however, would bring under regulation of the merged order a plant now fully regulated under the Ohio Valley order. While that plant (in Bluefield, Virginia) is within the present Appalachian marketing area and has Class I distribution in the Appalachian marketing area, the major part of its Class I distribution is in the Ohio Valley marketing area. The addition

of the 7 counties to the marketing area was requested to insure that the majority of the Bluefield plant's sales were made in the marketing area of the merged order and thus that the plant would become a pool plant under the merged order rather than the Ohio Valley order.

Shifting the 5 counties from the Ohio Valley marketing area was opposed by handlers and by a federation of cooperatives supplying Ohio Valley handlers. They claimed that these counties are an integral part of the sales area of Ohio Valley order handlers and that no change in marketing conditions had occurred to justify adding these counties to the proposed Tennessee Valley marketing area.

Handlers regulated under the Ohio Valley order are the principal distributors in the 7 counties. Their distribution within each of these counties substantially exceeds that of handlers who would be regulated by the merged order.

As provided in the existing orders, and adopted in this decision, a plant's Class I distribution in the marketing area is a primary consideration in determining whether the plant will be pooled under the order. When a plant qualifies for pooling under two orders in the same month, the orders' provisions commonly provide that the plant will be regulated under the order in the marketing area of which it has more Class I sales. The fact that the Bluefield plant is within the marketing area of the merged order is not, in this instance, relevant in determining its qualification as a pool plant under the order.

Adding Monroe and Summers counties to the marketing area would regulate a plant at Ronceverte, West Virginia, which is not now regulated by any Federal order. This plant's Class I distribution is limited to 4 West Virginia counties, none of which is in the marketing area of a Federal order. This plant does not compete with regulated handlers for milk supplies and it has negligible, if any, competition for sales with handlers who would be regulated by the merged order. No purpose would be served by including Monroe and Summers counties in the marketing area.

The Virginia counties of Bland, Smyth, and Wythe also should not be included in the Tennessee Valley marketing area. Less than half the Class I distribution in these counties is from plants that would be regulated under the merged order. Distribution in the three counties is predominantly from plants (both other Federal order plants and unregulated plants) whose principal sales territories are in other areas and not in competition with handlers who would be regulated under this order. Regulation of these counties is not necessary to maintain orderly marketing conditions under the merged order. The inclusion of Bland, Smyth, and Wythe counties in the marketing area is denied.

The Virginia State Milk Commission opposed the inclusion of the five southwestern Virginia counties of Buchanan, Dickenson, Lee, Russell, and Scott (here included in the marketing area), and of

the counties of Bland, Smyth, and Wythe, which are not here included.

The Commission's concern was that its regulatory program could be adversely affected if the proposal were adopted. The Commission expressed apprehension that if the eight counties were added to the Federal order marketing area, some plants now regulated only by the Commission would become regulated under the merged order.

Plants regulated solely by the Commission do not distribute milk in the five Virginia counties of Buchanan, Dickenson, Lee, Russell, or Scott, which are included in the marketing area. Consequently, this decision will in no way affect the Virginia State Milk Commission's regulatory program.

Although some of the route disposition of regulated handlers extends beyond the boundaries of the merged marketing area, it is neither practical nor reasonable to extend the regulated area to cover all areas where a handler has or might develop some route disposition. Nor is it necessary to do so to accomplish effective regulation under the order. The marketing area herein proposed is a practical one in that it encompasses the great bulk of the fluid milk sales areas of regulated handlers.

The cooperative proposing the merger urged that the merged order continue the provisions of the Chattanooga order except for certain modifications. Proponents of other proposals expressed the same view with regard to any order or orders issued as a result of this proceeding.

The provisions of the Appalachian, Knoxville, and Chattanooga orders are essentially similar and, in large part, identical. Because the Chattanooga order, as amended August 1, 1974, was most recently reviewed in its entirety, its format is retained in the merged order.

On the basis of hearing evidence, it is concluded that the order provisions, which are substantially identical in the three orders and for which no proposed changes were offered, are equally suitable for the combined order covering the merged and expanded marketing area. They are adopted for the identical reasons advanced in the decisions adopting such provisions in the respective orders.

The order adopted herein continues the use of the part number for the present Appalachian order, Part 1011. The amended Part 1011, upon issuance, would supersede Parts 1090 and 1101.

Although the present three orders would no longer exist upon the effectuation of the Tennessee Valley order, this merger action is not intended to preclude the completion of those procedures that would otherwise have existed under the separate orders pertaining to milk handled prior to the effective date of the merger. Such procedures, which would need to be carried out after the merger date, include the announcement of certain class prices and butterfat differentials, submission of reports, computation of uniform prices, payment of obligations, and verification activities. The provisions of the merged order

would apply only to that milk handled on and after the effective date of the merger.

2. (a) *Milk to be priced and pooled.* It is necessary to designate clearly what milk and which persons would be subject to the merged order. This is accomplished by providing definitions to describe the persons, plants and milk to which the applicable provisions of the order relate.

The following definitions included in the proposed order will serve to identify the specific types of milk and milk products to be subject to regulation and the persons and facilities involved with the handling of such milk and milk products. Definitions relating to handling and facilities are "route disposition," "plant," "pool plant" and "nonpool plant." Definitions of persons include "producer," "handler," "producer-handler" and "cooperative association." Definitions relating to milk and milk products include "producer milk," "fluid milk product," "fluid cream product," "filled milk" and "other source milk." A number of these definitions were of particular issue at the hearing and are discussed below.

Plant. A "plant" definition should be provided to identify the type of milk handling facilities to which the order provisions would apply. A plant would be the land, buildings, facilities, and equipment constituting a single operating unit at which milk or milk products are received, processed or packaged. Separate facilities without stationary storage tanks which are used only as a reload point for transferring bulk milk from one tank truck to another would not be a plant. Similarly, separate facilities used as intermediary distribution points in the disposition of packaged fluid milk products would not be plants.

A "plant" definition is contained in the present Appalachian order and was proposed for inclusion in the proposed merged order.

Since the provisions adopted herein price producer milk at the plant where physically received, guidelines must be provided for determining whether certain milk handling facilities should be considered a plant. It is not intended that a facility used only for reloading milk from one tank truck to another be the pricing point for milk so handled. Neither is it intended that an intermediate storage facility or a distribution point utilized in the marketing of packaged fluid milk products be considered a plant. Such facilities must, of course, be distinguishable from facilities at which milk handled is to be priced.

It is not usual for reload points to have stationary storage tanks for holding milk one or two days. Rather, milk that is moved by tank truck from producers' farms to a reload point is transferred directly to large over-the-road tankers for movement to processing plants. Accordingly, the absence of stationary storage tanks (which are used to implement the movement of milk to the market) is a reasonable means of distinguishing a reload facility from a plant.

Pool plant. Essential to the operation of a marketwide pool is the establishment of minimum performance requirements to distinguish between those plants substantially engaged in serving the fluid needs of the regulated market and those plants that do not serve the market in a way or to a degree that warrants their sharing (by being included in the pool) in the Class I utilization of the market. The pooling standards for distributing plants, supply plants, and cooperative balancing plants that are contained in the attached order would carry out this concept under present marketing conditions.

The "pool plant" definition adopted herein sets forth all of the requirements that a plant must meet in order to be defined as a pool plant. Definitions of a "distributing plant" and a "supply plant," were not proposed by the merger proponent and are not provided in the attached order. Reference is made in this decision to such types of plants, nevertheless, since the adopted pooling standards relate to plants performing different types of functions in the market.

A requirement common to all types of pool plants is that the plants be approved by a duly constituted regulatory agency for the handling of milk for fluid consumption. The term "regulatory agency," rather than the term "health authority," which has been commonly used in the present orders for some time, is a more appropriate term at the present time. The agency responsible for approving a plant for the handling of milk for fluid consumption may not always be designated as a health authority. In some states, for example, this function is the responsibility of the State Department of Agriculture.

To qualify as a pool plant, a distributing plant must meet performance standards as to the proportion of its total supply disposed of as Class I milk, including its route disposition in the marketing area. Thus, pool distributing plants would include only those plants significantly engaged in the distribution of fluid milk products. The plant's total Class I utilization must be at least 50 percent of its receipts of fluid milk products from all sources that are approved by a duly constituted regulatory agency for fluid consumption and that are physically received at such plant or diverted therefrom as producer milk to a nonpool plant. Such plant's route disposition in the marketing area must be at least 10 percent of its receipts of fluid milk products, including milk diverted to other plants. As under the present orders, Class I disposition of a plant would be exclusive of any disposition of filled milk.

The pooling requirement that a distributing plant's total Class I utilization be at least 50 percent of its total receipts (in addition to meeting the in-area route disposition requirement), as adopted in this decision, differs from the comparable provision in the Appalachian, Chattanooga, and Knoxville orders. These orders specify that a plant's total

route disposition must be at least 50 percent of its total receipts.

It is conceivable that a high Class I utilization plant primarily associated with the Tennessee Valley market might not qualify as a pool plant if it were required to have at least 50 percent of its total receipts as route disposition. This would be true of a plant from which substantial quantities of Class I milk, in addition to its route disposition, were sold to other handlers in this and other markets. Unless such a plant were qualified as a pool plant, the benefit of the bulk of the plant's Class I sales would be lost to the pool and would be reflected in reduced returns to producers sharing in the proceeds of the market-wide pool.

As indicated elsewhere in this decision, when the plant under construction at London, Kentucky, becomes operational it will result in further plant consolidation in the market. It is not known whether this plant, which is wholly owned by Dairymen, Inc., will take over the function of supplying bulk fluid milk products for Class I uses to other plants, which function is now handled by other DI plants. If it does and Class I sales to other plants are not counted in determination of whether the plant meets requirements for pooling, the plant might not qualify as a pool plant. This would occur even though the plant met the pooling requirement with regard to route disposition in the Tennessee Valley marketing area and such route disposition was greater than in the marketing area of any other order under which the plant might qualify as a pool plant in the same month.

In conjunction with the minimum in-area sales requirement herein provided, the provision that a distributing plant's total Class I disposition be at least 50 percent of its receipts is an appropriate factor under conditions in this market. Adoption of this requirement will not change the status of any plant presently doing business under the Appalachian, Knoxville, or Chattanooga orders. It will, however, contribute to future orderly marketing by insuring that any substantial Class I operation primarily associated with the Tennessee Valley market will be fully regulated in the same manner as its principal competitors for Class I sales in the marketing area.

A total of 13 distributing plants are now fully regulated under the three orders. Four are operated by the proponent cooperative. Three proprietary handlers, who operate five fully regulated distributing plants, proposed that the in-area route disposition pooling requirement be 10 percent of a plant's total route disposition. They claimed that a 15 percent rate (which was proposed by the cooperative) would be inappropriate under conditions in the proposed marketing area, in which substantial quantities of milk are distributed from partially regulated distributing plants with Class I sales in several other Federal order marketing areas. Handlers contended that if an in-area route disposition requirement of more than 10 percent was adopted, these

presently partially regulated distributing plants could continue to avoid full regulation under a Federal order when it was competitively advantageous to do so, even though they might increase their in-area sales and had a substantial part of their total sales in several Federal order marketing areas.

The cooperative claimed that the 10 percent in-area sales requirement now provided in the Appalachian order recognizes that a substantial part of the route disposition from Appalachian order pool distributing plants is outside the marketing area. Since the marketing area for the proposed order more fully includes the sales area of Appalachian order handlers, the cooperative contended that its proposed 15 percent in-area sales requirement would equate to the 10 percent requirement now applicable to the present smaller Appalachian marketing area.

Operators of two partially regulated distributing plants supported the 15 percent in-area route disposition requirement that the cooperative proposed. They contended that the 10 percent in-area sales factor proposed by fully regulated handlers would unnecessarily limit their sales in the marketing area. In their view, the obligation under the order applicable to partially regulated distributing plants provides an adequate safeguard against their realizing any advantage over fully regulated handlers. They argued further that the 10 percent in-area requirement would be inequitable since the adjacent Georgia order, in which some of the same unregulated plants have route disposition, had a 15 percent in-area route disposition requirement.

A requirement that at least 10 percent of the route disposition from a plant be in the marketing area is now provided in the Appalachian order. The comparable Chattanooga order in-area route disposition requirement is 15 percent. Unlike the Appalachian and Chattanooga orders, the Knoxville order in-area route disposition requirement of 15 percent is based on a plant's total receipts of fluid milk products instead of on total route disposition.

The requirement that a plant's in-area route disposition for pooling be based on a percentage of the plant's total receipts, as provided in the Knoxville order, is predominantly the basis included as an in-area sales pooling standard in Federal orders. It is a more meaningful pooling requirement than an in-area route disposition percentage based on a plant's total route disposition. For example, under a 10 percent in-area route disposition requirement based on a percentage of a plant's total route disposition, a plant with a very high Class I utilization would not be pooled unless essentially 10 percent of its total receipts were disposed of as route disposition in the marketing area. However, a plant with only 50 percent total route disposition would qualify as a pool plant with but 5 percent of its total receipts disposed of in the marketing area. Under such circumstance, a plant with a relatively low in-area route disposition could substantially exploit the pool as a "pool rider".

The purpose of the pooling standard is to delineate the degree of association with the regulated market that requires full regulation. Clearly, any plant that disposes of at least 50 percent of its receipts as Class I milk and 10 percent of such receipts as route disposition in the marketing area is associated with the local market to a degree that requires full regulation to implement the intent and purpose of the Act. Relating marketing area performance to total milk receipts rather than total route sales will insure a more uniform application of regulation.

It is not anticipated that any unregulated plants, including the five present partially regulated distributing plants under the three orders, will qualify for pooling under the proposed merged order on the basis of their existing distribution. Some of the plants now have significant distribution in the area of proposed regulation and adoption of a 15 percent in-area sales requirement would enable the operators of such partially regulated distributing plants to increase their Class I sales in the marketing area to a degree that would pose a serious threat to continuing market stability.

If a plant's route disposition in the marketing area is less than 10 percent of its total receipts, the plant would be subject to regulation on only its in-area sales. In this latter case, the plant, with its limited degree of association with the regulated market, is not a major competitive factor for fully regulated handlers whose sales are largely or entirely in the marketing area.

However, to minimize any price advantage that the plant might have on the limited in-area sales, the order would require a pool payment on such sales at the difference between the order's Class I price and uniform price values. As an alternative, the plant could either (1) pay its dairy farmers the classified use value for all receipts or (2) purchase under any Federal order sufficient Class I milk to cover the limited disposition within the marketing area. These payment provisions have been applicable under the marketwide pooling in the three existing orders for many years.

It is necessary, however, that a plant, wherever located, that disposes of 50 percent of its receipts of fluid milk products as Class I and 10 percent or more of its receipts of fluid milk products as route disposition in the marketing area be subject to full regulation on all of its Class I disposition, including that which is outside the marketing area. If only the plant's in-area sales were subject to order pricing, the operator of the plant could assign any value he might choose to his out-of-area sales. He thereby could reduce the average cost of all his Class I milk below that of fully regulated handlers having all their Class I sales within the marketing area. Unless his Class I sales both inside and outside the marketing area were fully regulated under the order, the plant operator in fact would not be subject to effective price regulation. It would not be possible in this circumstance to enforce uniform class

prices with respect to those handlers who are in substantial competition with one another. The absence of effective pricing would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order.

A plant that does not qualify as a pool distributing plant should be a pool plant in any month in which at least 50 percent of its receipts of milk from dairy farmers approved by a duly constituted regulatory agency for fluid consumption and cooperatives acting as bulk tank handlers is transferred in the form of fluid milk products to pool distributing plants. A plant thus shipping the major portion of its receipts from dairy farmers to pool distributing plants has established its association with the fluid milk market to a degree which justifies its dairy farmer patrons sharing equitably in the higher proceeds of the market's Class I sales.

Because plants which might supply milk to pool distributing plants on a regular basis may be manufacturing plants, it is appropriate that the performance requirements of supply plants be related to receipts of milk direct from dairy farms (including milk received from a cooperative association in its capacity as a handler on bulk tank milk) only. In this manner such a plant is in no way limited in its ability to receive milk from other approved plants for manufacture. This is appropriate since only the milk received from dairy farms would be pooled through the plant and accordingly there is no possibility that the pooling standards would be perverted.

A supply plant that was a pool plant in each of the immediately preceding months of August through March should be a pool plant for the months of April through July, irrespective of its shipments, unless the operator of such a plant elected nonpool status for the plant or the milk received at the plant does not continue to meet the requirements of a duly constituted regulatory agency. In such event the plant appropriately should reacquire pooling status only by meeting the prescribed shipping requirements.

The automatic pooling in April-July for a plant that qualified for pooling in the preceding August-March recognizes that the demand for supply plant milk is usually less in the months of seasonally high production than in other months. Requiring no shipments from those plants with an established association with the market in the heavy production months of April-July will avoid unnecessary, as well as uneconomical, movements of milk to the market for the sole purpose of maintaining pooling qualification for the plant.

The pooling standards for supply plants adopted herein, which were supported by both producers and handlers, are those now provided in the Chattanooga order (and similar to those in the Appalachian order). They are reasonable and appropriate under current condi-

tions in the proposed marketing area. In conjunction with other provisions in the merged order, they will implement the pooling of the milk of those dairy farmers which by performance demonstrated their right to participation in the distribution of the proceeds of the Class I sales of the market and thus will promote orderly and stable marketing conditions. It is not necessary nor appropriate to retain the slightly different and more stringent Knoxville order provisions.

One handler proposal would have restricted the provision whereby automatic pooling is accorded in April-July to a supply plant that qualified as a pool plant in the preceding August-March. As proposed, automatic pooling would be denied such a plant in any month of April through July in which it received the milk of any dairy farmer whose entire milk production in the preceding August-March had not been received at the same plant. The stated intent of the handler proposal was to prevent the loading of the pool with milk not previously associated with the market and not reasonably needed to supply the market. No testimony was presented, however, to show that such exploitation of the pool had been, or was currently, taking place in the market.

Nevertheless, to preserve the integrity of regulation the order should provide a safeguard against the possibility of such exploitation of the pool. The handler proposal, which would limit the automatic pooling at a plant in April-July to the milk of those dairy farmers whose total production was pooled at the same plant in the preceding August-March, is an unusually stringent measure and is not necessary to prevent the pooling of that milk without an established association with the market.

Under conditions in the merged order market, it is appropriate to require that milk pooled by a plant in the months when it has automatic pool status be limited to receipts from dairy farmers who had at least 60 days' production pooled under the order in the preceding August-March. Receipts at a supply plant pooled on the basis of its acquired automatic status, other than from producers, would be other source milk and would not be pooled. Milk from dairy farmers not previously associated with the market (who otherwise qualified as producers under the order) would, of course, be pooled in any month that the supply plant met the shipping requirements for pool plant status for such month.

The merged order also should provide for pooling any non-distributing plant located in the marketing area and operated by a cooperative as a balancing plant for the regulated market, if during the month at least 60 percent of the producer milk of members of the cooperative is delivered from their farms to pool distributing plants or is transferred to such plants from the cooperative's balancing plant(s). Such pool status should be limited to plants approved by a duly constituted regulatory agency to

handle milk for fluid consumption. The plant should not be accorded pool balancing plant status if it meets the pooling standards for a supply plant under any Federal order.

The requirements for pooling a cooperative's balancing plant adopted herein were proposed and supported by the cooperative at the hearing. They are now provided in the Chattanooga order, except that the performance requirement is 50 rather than 60 percent. Handlers opposed a 60 percent performance requirement, urging instead a 70 percent requirement.

To qualify a balancing plant for pooling under the present Appalachian order requires that at least 70 percent of the cooperative's members' producer milk be utilized in Class I at pool distributing plants. The Knoxville order has no provisions for pooling a balancing plant.

Two plants operated by the proponent cooperative have been qualifying as balancing plants under the Appalachian order. These plants, at London, Kentucky, and Bristol, Virginia, supply pool distributing plants to the extent of their requirements and nonpool plants when milk delivered to the balancing plants by the cooperative's producer members is not needed by pool handlers.

The cooperative also has a plant located in the Chattanooga marketing area, which qualified for pooling as a balancing plant under the Chattanooga order prior to August 1974. Subsequently it has been a pool plant under the Georgia order and it is likely that it will continue to be pooled under that order.

The operation of balancing plants in the Appalachian and Chattanooga markets has provided an efficient means whereby the cooperative assembled milk not needed at pool distributing plants for storage and subsequent transfer to pool plants as needed and to outside outlets or in some cases for disposition in manufactured products on the premises. This method of operation provides an efficient means whereby handlers buying milk from the cooperative may adjust their receipts from day to day to fit their bottling needs and at the same time have assurance through arrangements with the cooperative that milk will always be available for fluid use as needed.

Only a cooperative plant located in the combined and expanded marketing area should be eligible for pooling as a cooperative balancing plant. The dairy farms supplying the market are located within or close to the marketing area adopted herein. In this situation, it is only those cooperative plants located in the marketing area that can be expected to serve the market in a way and to a degree which would justify pooling other than on the basis of performance as a supply plant per se.

Without the appropriate in-area requirement for a cooperative balancing plant, there would always exist the continuing threat that a multi-market cooperative could use the balancing plant provisions as a mechanism for pool loading to the detriment of nonmember producers associated with the market. Ex-

perience in other markets has clearly demonstrated that in the absence of appropriate restrictions with respect to the location of cooperative plants which may be pooled, cooperatives have been successful in acquiring pooling status for certain plants which have had little or no association with the market where pooled. To maintain the integrity of regulation, it is necessary to insure that only milk which by location or performance is reasonably a part of the market's milk supply is pooled. The provisions as here adopted implement this end.

Under present marketing conditions, the Class I utilization percentage of producer milk in the market has been high. It is likely that the cooperatives reasonably could meet an overall performance standard of 70 percent as urged by handlers. However, market conditions change and there still exist in the general production area considerable volumes of milk which have not converted to Grade A. As such milk is converted it reasonably can be expected to seek a share in the Class I proceeds of the market. Since such milk will be of the same quality as that milk now on the market, it must have opportunity to share equitably. To this end, a 60 percent performance requirement is appropriate. This is a more stringent requirement than the overall performance standards adopted for pool distributing and supply plants. Hence, there is no basis for concern that the cooperatives could use the balancing plant pooling requirements to pervert the intent of the pooling standards. Since the pooling standards for the balancing plant would not be based upon minimum qualifying shipments from the plant to distributing plants, there is always the potential that such a plant could meet the shipping requirements for pooling either in this or another Federal order market. In such event, it is intended that the plant will be qualified as a pool supply plant under the appropriate order rather than as a pool balancing plant under this order.

As a further condition for pooling status, a cooperative balancing plant must be approved by a duly constituted regulatory agency to handle milk for fluid consumption. Such a provision is necessary to assure that the plant can be depended upon for supplemental milk supplies when needed by distributors. Since the merged order would not require a minimum shipment to the market from a cooperative balancing plant, it is conceivable that the plant could neglect to maintain its health approval in which case it would be inappropriate to pool the milk supply since it could not be made available to distributing plants for Class I use. Under such circumstance, there would be no justification for such milk sharing in the pool proceeds.

As a further requirement for pooling a cooperative balancing plant, the cooperative must make a request of the market administrator for pooling status. Only by this means can the cooperative's intention be known to market administrator. Under certain circumstances, a

cooperative might find it feasible not to pool a plant in this market, notwithstanding the fact that the plant was eligible for pooling. As long as such plant does not meet the prescribed shipping requirements there is no necessity that it be pooled against the cooperative's wishes.

Nonpool plant. Except to provide that a plant operated by a governmental agency be designated a nonpool plant, the "nonpool plant" definition adopted in this decision is essentially that now contained in the Appalachian, Knoxville, and Chattanooga orders. A governmental agency plant should be defined as a plant operated by a governmental agency from which fluid milk products are distributed in the marketing area. Provision is not now made specifically in any of the three orders regarding their application to a plant operated by a governmental agency.

The University of Tennessee maintains a dairy herd and processing plant in Knoxville. The operator has been exempted from pooling under the present order provisions by virtue of producer-handler status. Because of the limitations being placed on a producer-handler with respect to the amount of priced milk (either pool or other order milk) which may be acquired, it is possible that the University plant may no longer be able to maintain producer-handler status. For this reason, this operation and all similar operations operated by governmental agencies should be exempt from the provisions of the order.

The operations of the University farm and the plant operated in conjunction therewith are for the purpose of carrying out in the public interest a recognized function of the State. These operations are not in the nature of the operations of proprietary handlers whose regulation is necessary to effectuate the intent of the Act.

The milk production and processing carried on at Knoxville are maintained in connection with the research and education functions of the University of Tennessee. They are used and deemed necessary in connection with the various courses given and research done under the auspices of the University.

Information concerning the extent to which other State educational institutions and mental and penal establishments within the proposed marketing area maintain herds and processing facilities to furnish milk to their residents was not presented on the record. However, it is not the normal practice of such institutions to sell milk extensively in commercial channels in competition with proprietary handlers and producers. In any event, they operate within their statutory authority and if indeed they should at any time become a competitive problem, the appropriate remedial action should be through the State Legislature rather than to require full regulation under the order.

It is likely that the University of Tennessee plant (or plants of governmental agencies similarly situated) will at times have production from its

farm(s) in excess of its usual requirements. In light of the exempt status here provided, whereby producers generally do not share in the Class I utilization of such operations, it would be inappropriate to permit such institutions to share in the proceeds from the sales of pool milk. Accordingly, the order should provide that milk received at pool plants from such operations be allocated to Class III. Any such milk allocated to Class I at a pool plant would be subject to a compensatory payment at the difference between the Class I and Class III prices. This is identical to the treatment accorded producer-handlers with respect to any sale of milk to pool plants.

The University of Tennessee's milk plant (and plants of similar institutions) may at times find it necessary to purchase supplemental supplies from regulated handlers under the merged order. It may reasonably be expected that purchases in the form of fluid milk products would be made and used for Class I purposes. The order should provide, therefore, that fluid milk products transferred or diverted from pool plants to governmental agency plants be classified as Class I.

To qualify for pooling under the merged order, milk must be received either at a pool plant or by a cooperative bulk tank handler or diverted under specified conditions from a pool plant to a nonpool plant. Because a governmental agency plant would be a nonpool plant, milk received at such plant from sources other than regulated plants and producers under the merged order would not be subject to the provisions of the order. Therefore, milk from producers' farms received at a governmental agency plant could qualify as producer milk under the order only on the basis of its having been diverted from a pool plant. Otherwise, such milk would lose its producer milk status and would not be pooled or priced under the merged order.

Handler. The impact of regulation under an order is primarily on handlers. The handler definition identifies persons who will have responsibility for filing reports and making payments for milk under the merged order.

Accordingly, the order should designate handler status for the following persons:

- (1) The operator of a pool plant;
- (2) A cooperative with respect to milk that is diverted for its account;
- (3) A cooperative with respect to bulk tank milk picked up at the farm for delivery to a pool plant of another handler;
- (4) The operator of a partially regulated distributing plant;
- (5) A producer-handler; and
- (6) The operator of an other order plant from which milk is disposed of in the marketing area.

Except for a cooperative as a bulk tank handler (which is provided for in the Appalachian order but not in the Knoxville and Chattanooga orders), all of the above are now defined as handlers under the three orders.

A cooperative should be a handler with respect to the milk it receives for its ac-

count from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, the cooperative. However, should there be a mutual arrangement between the cooperative and the plant operator whereby the latter will be the handler for such milk and will purchase it on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the cooperative need not act in a handler capacity with respect to such milk.

When the milk of any producer is commingled in a tank truck with that of other producers, the identity of the individual producer's milk is lost. The amount of the producer's milk in the truck and the butterfat content thereof can be determined only from measurement of the milk at the farm and from milk samples taken from the farm tank. After the milk has been pumped from the individual producer's farm tank into the tank truck of the hauler and commingled with the milk of other producers, there is no opportunity to measure, sample, or reject the milk of an individual producer.

Much of the milk received at plants that would be pooled under the merged order is picked up at the farm in trucks owned or operated by, or under the control of, a cooperative. In such instances only the cooperative has the opportunity to measure and sample the milk of individual producers that is received at the pool plant. In the absence of any agreement by the plant operator to be the handler for the milk, the cooperative necessarily must be the responsible handler for the milk as it leaves the farm.

When a cooperative is the handler for farm bulk tank milk, certain accounting and payment procedures should apply under the merged order to such milk. As provided in the attached order, the milk will be considered a receipt of producer milk by the cooperative at the location of the pool plant to which the milk is delivered. The purchase of such milk by the pool plant operator would be treated as an interhandler transfer, but would be classified pro rata with any producer milk that the plant operator may receive. The pool plant operator would be required to settle with the cooperative and the producer-settlement fund for the milk received from a bulk tank cooperative handler in the same way that he makes payment for milk received directly from producers. He would settle with the producer-settlement fund for any difference between the uniform price value and the classified price value for such milk and pay the cooperative the uniform price value for the milk.

The adopted accounting and payment procedure will facilitate administration of the order with respect to matters of financial responsibility and audit adjustments. The pool plant operator processes the milk and distributes it to consumers. It is reasonable, then, that the responsibility for accounting for the utilization of such milk and for its payment be placed

directly on the plant operator. Were settlement with the pool to be made by the cooperative, i.e., should the plant operator settle with the cooperative at class prices and the cooperative settle with the producer-settlement fund, an unnecessary third party is involved in the transaction. Also, the adopted procedure will facilitate the handling of audit adjustments that might result from the verification of a plant's utilization of milk. An error in the reported classification of milk at the pool plant, for example, would not require a related adjustment in the cooperative's classification of milk and thus its obligation to the pool for such milk.

A pool-plant operator receiving farm bulk tank milk from a cooperative also should be responsible for paying to the market administrator the administrative assessment on such milk. The audit and verification activities of the market administrator relate essentially to the operations of the pool plant where the milk is processed. As in the case of producer milk which he receives from the farm, the plant operator thus should pay his pro rata share of the administrative costs on milk received from the cooperative in its capacity as a bulk tank handler.

When the cooperative assumes its role as the responsible handler on farm bulk tank milk, the pool plant operator may buy such milk on the basis of weights and butterfat tests determined at the plant rather than on the basis of those determined at the farm. Usually, the quantity of milk picked up at the farm slightly exceeds the quantity ascertained as actually received at the plant. In such cases, the difference should be considered as a receipt of producer milk by the cooperative at the location of the pool plant where the milk in the tank truck was delivered. The cooperative should be obligated to settle with the producer-settlement fund and to pay the administrative assessment on the milk involved.

The pool plant operator should be permitted under the merged order to be the responsible handler on bulk tank milk moved by the cooperative from the farm to the plant if both the cooperative and the pool plant operator notify the market administrator that they have agreed to such a handler arrangement and that the plant operator agrees to purchase the milk on the basis of weights and tests determined at the farm. Under this arrangement, the pool plant operator would be responsible for the milk in the same manner as for producer milk that he receives at his plant directly from the farm.

A cooperative also should be a handler with respect to the milk of a producer which is diverted for the account of the association from a pool plant of another handler to a nonpool plant that is not a producer-handler plant. All three orders proposed to be merged provide that a cooperative may act as a handler for diverted milk. Continuation of this handling arrangement will facilitate the movement of milk not needed for fluid use to nonpool plants for manufacturing.

The merged order should afford a cooperative flexibility in the arrangements under which it sells milk to pool plants or disposes of reserve supplies. If it so chooses, a cooperative should be able to pick up the milk of nonmember producers along with the milk of its members for delivery to a pool plant or for diversion to nonpool plants. This procedure will enable the cooperative to act as the marketing agent for a nonmember producer who, although he has not become a member of the cooperative, has contracted with the cooperative to act as the marketing agent for his milk. Nothing in the order would require a cooperative to pick up the milk of nonmember producers. It would provide, however, that when a cooperative does pick up the milk of nonmember producers on trucks under its control it must assume varying degrees of responsibility with respect to such milk, depending on the handling arrangements made.

The Capper-Volstead Act provides the criteria by which cooperative associations are determined to be qualified cooperatives under the Agricultural Marketing Agreement Act. With the adopted handler definition, the merged order would be consistent with that provision of the Capper-Volstead Act which recognizes that cooperatives may "deal in the products of nonmembers" and which limits such dealings to amounts not greater in value than as are "handled by it for members."

If the nonmember producer has contracted with a cooperative to market his milk and collect payment therefor, the cooperative may pay the nonmember in accordance with the contract. If such marketing functions occur in the absence of a contract, the cooperative would be required to pay the nonmember producer not less than the prices prescribed by the order.

Producer-handler. As under the three present orders, the merged order should provide for the exemption of a "producer-handler" from the pooling and pricing provisions of the order.

Experience under the orders has demonstrated that effective regulation can be achieved without the full regulation of those persons who produce, process, and distribute essentially only the milk produced on their own farms and who buy no milk from other dairy farmers or plants other than pool plants and other order plants. Such operations are basically self-sufficient in that they rely primarily on their own farm production and assume the burden of maintaining the necessary reserve supply of milk associated with their fluid-milk operations in disposing of any daily or seasonal surplus they may produce.

As adopted herein, a producer-handler is any person who operates a dairy farm and a processing plant and who receives no fluid milk products from sources other than his own farm production, pool plants, and other order plants. Any such receipts from pool plants and other order plants during the month may not exceed a daily average of 1,500 pounds. A pro-

ducer-handler may not dispose of any other source milk in the form of a fluid milk product except through the addition of nonfat milk solids to fortify fluid milk products received from his own farm or from pool plants.

To qualify as a producer-handler, such person must provide proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for his own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

As long as he retains his exempt status, the only obligation imposed on a producer-handler by the order is to keep records, to file reports with the market administrator and to permit their verification. The purpose of such reports is to permit the market administrator to verify that the operation continues to be one of a bona fide producer-handler. Such reports are necessary regardless of the size of the producer-handler operation.

Under the merged order a producer-handler must provide milk for his processing operation essentially only from his own-farm production. The operations of processors with own-farm production who rely on other plants for substantial supplemental supplies either in bulk or packaged form are not significantly different from the operations conducted by pool handlers. In addition, such individuals do not assume the risk or cost of providing a full supply for their own needs. If such operations are not pooled, the pool does not receive the benefit of their Class I sales but acts as a supply balance by carrying their necessary reserve milk supplies.

Notwithstanding the above conclusion, it is appropriate that producer-handlers be permitted some tolerance for purchasing fluid milk products from other plants. A limitation of 1,500 pounds per day average during the month on a producer-handler's purchases from pool plants and other order plants will insure against unintentional involvement in regulation of producer-handlers as a group while at the same time deterring larger handlers with own-farm production from evading the pooling of such production by seeking producer-handler status.

Except for the limited privilege of using receipts from other order plants as described above, the provisions of the merged order preclude a producer-handler from using other source milk for Class I, except nonfat dry milk used solely to increase the nonfat milk solids content of the fluid milk products he processes. Such provisions are necessary since a producer-handler to retain his status for all practical purposes must carry on a self-contained operation. If such an individual were permitted to reconstitute or otherwise use other source milk as a source of supplemental supplies, there would be no basis for distinguishing the operations of such individuals from the operations conducted by pool handlers. Furthermore, since a

producer-handler is not regulated, and therefore does not incur a pool obligation, it is not appropriate that he have access to supplemental supplies other than from fully regulated sources. In the absence of such a requirement, a producer-handler could find it advantageous to reconstitute nonfat dry milk, for example, and sell it in fluid form to consumers. With nonfat dry milk carrying only a surplus milk value, competing regulated handlers would be at a disadvantage on their Class I sales.

As indicated, a producer-handler's exemption from the pooling and pricing provisions is predicated upon the basic self-sufficiency of the total operation. Accordingly, no other person should be permitted to share the risk involved with the operation of a producer-handler's farm or his plant. All resources necessary for his own farm production of milk must be his personal risk. Similarly, all risks associated with the operation of the processing plant must be that of the producer-handler.

Producer. The term "producer" defines those dairy farmers who constitute the regular source of supply for the merged order market. The producer definition provided herein is basically that now contained in the three orders.

Producer status under the merged order generally should be provided for any dairy farmer who produces milk approved by a duly constituted regulatory agency for fluid consumption and whose milk is received at a pool plant directly from the farm or is received by a cooperative association as a handler on farm bulk tank milk for delivery to a pool plant. Producer status should also be accorded such a dairy farmer who has an established association with the market and whose milk is diverted to nonpool plants on occasion for surplus disposal.

A producer-handler and a governmental agency, which have exempt status under the merged order, are excepted from the producer definition. In addition, the merged order should preclude the possibility of a dairy farmer being a producer under two orders for the same milk. In this regard, the producer definition should exclude (1) a person for milk diverted to a pool plant under this order from a fully regulated plant under an other order if such person is a producer under the other order for such milk and it is allocated by agreement to Class II or Class III use under this order and (2) a person for milk diverted to an other order plant from a pool plant under this order if any portion of such person's milk is assigned to Class I milk under the other order.

Under certain conditions the producer definition would not include a dairy farmer whose milk is received at or diverted from a supply plant that has automatic pool plant status in any month of April through July. As indicated elsewhere in this decision, such a person who had less than 60 days of his production received at or diverted from pool plants in the preceding August-March period, would not qualify as

a producer with respect to the milk from his farm received at or diverted from a pool supply plant with automatic pool plant status in any month of April-July.

Producer milk. The "producer milk" definition is intended to define the milk that would be priced and pooled under the merged order.

As provided herein, producer milk would include the milk received directly from a producer at a pool plant by the plant operator, received by a cooperative as a bulk tank handler, or diverted from a pool plant to a nonpool plant under specified conditions.

Diversions of producer milk from a pool plant to a nonpool plant (except a producer-handler plant) for the account of the handler operating the pool plant are recognized with specified limitations. Similar diversions could be made for the account of a cooperative from the pool plant of another handler.

Diversion provisions are desirable to facilitate the orderly and efficient disposition of the market's reserve milk supplies. It is necessary, however, to safeguard against the association with the market through the diversion process of unneeded milk supplies which are intended solely for manufacturing use. Accordingly, certain limitations should apply to diversions of producer milk to nonpool plants.

No limit should be placed on the number of days that an established producer's milk may be diverted to nonpool plants in the seasonally high production months of April through July. In August through March a producer should be required to deliver at least two days' production (one delivery for a producer on every-other-day pickup) to a pool plant during the month to qualify any remainder of his monthly production as diverted milk.

In addition to the requirement that at least two days' production of a producer be delivered to a pool plant to qualify any remainder of his milk for diversion in the months of August through March, a limitation should be placed on the total quantity of producer milk that may be diverted monthly to nonpool plants by a handler. The total quantity of milk so diverted by a cooperative should not exceed one-third of the volume of producer milk that the cooperative caused to be physically delivered to pool plants during the month. Likewise, the operator of a pool plant that is not a cooperative should be permitted to divert any milk that is not under the control of a cooperative to the extent that the total quantity of milk diverted does not exceed one-third of the producer milk physically received at such plant during the month that is eligible to be diverted by the plant operator.

Any milk diverted by a handler in excess of the quantity limitations should not be producer milk. If a diverting handler does not designate the producer deliveries to nonpool plants that are not producer milk, no milk diverted to nonpool plants by such handler during the month should be producer milk.

As provided herein, milk diverted from a pool plant is included in the plant's receipts for purposes of determining

whether or not the plant meets the applicable pooling standards. It is necessary under this procedure to safeguard against a pool plant not meeting the pooling standards because too much milk was diverted from the plant by a cooperative, perhaps without timely knowledge of this by the plant operator. Accordingly, whatever quantity of milk diverted by a cooperative from a pool plant of another handler that would cause such plant to become a nonpool plant should not be considered as producer milk.

Under the present Appalachian order unlimited diversions are now allowed in March through July. In August through February not more than 15 days of a producer's milk may be diverted in any month.

The Knoxville order allows unlimited diversions in March-August. At least 4 days' production of a producer must be delivered to pool plants during the month to qualify his remaining production for diversion in any month of September-February. However, the total quantity of milk that may be diverted by a cooperative in September-February may not exceed 35 percent of the total quantity of its members' producer milk physically received at pool plants during the month. Likewise, the total quantity of milk that a proprietary handler may divert from a pool plant during any month of September-February may not exceed 35 percent of the total quantity of milk of nonmember producers physically received at his plant during the month.

Under the Chattanooga order unlimited diversions are allowed in December-August. In September-November, the diversion provisions are the same as those described above for the Knoxville order for September-February.

The cooperative proposed that a producer be required to deliver to pool plants during the month 20 days' production in September-February and 10 days' production in March-August to qualify his remaining production for diversion. It also proposed that a cooperative be allowed to divert the total monthly production of individual members without limit in March-August if the cooperative's total diversions are not more than 33 percent of its total producer milk for the month. Under the cooperative's proposal this option would likewise apply to a proprietary handler with respect to his nonmember milk.

A handler proposal would allow unlimited diversions in March-July. In any month of August-February, a producer's milk could not be diverted more than 15 days.

Because of variations in market needs and in production, the milk of each producer may not be needed every day for processing as fluid milk at the plant to which it is customarily delivered. It is necessary, however, that there be a reserve of qualified milk available for the fluctuating needs of handlers serving the market. When the milk of any dairy farmer regularly supplying the market is not needed at the plant to which it is usually shipped, it can be handled most economically by diversion directly from

the farm to nonpool manufacturing plants.

A requirement of substantial deliveries of milk of individual producers for establishing diversion eligibility rights would be a deterrent to efficient handling of that milk in excess of handlers' immediate fluid needs. Appropriately, however, a means must be provided for establishing that the milk of individual dairy farmers reported as diverted producer milk has a bona fide association with the market and is, in fact, qualified for fluid use. To this end, it is reasonable to require that two days' production of each producer be physically received at a pool plant in any month of August through March to qualify his remaining production in the same month for diversion as producer milk.

Limiting monthly diversions in August-March by a cooperative to not more than one-third of the producer milk it caused to be delivered to pool plants during the month (and providing similarly for a proprietary pool plant operator for all other producer milk received at his plant) will provide a reasonable safeguard against exploitation of the pool by associating with the market the production of dairy farmers whose milk is not a part of the regular market supply, and which is intended solely for manufacturing uses. The one-third limitation will be adequate to accommodate the efficient disposition of the market's reserve milk supply under existing market conditions.

In April-July, handling of the reserve supplies of the market will be most economically achieved by allowing unlimited diversions (as now provided in designated high production months under the three existing orders). April-July are the months when production for the merged order market are highest relative to Class I needs. Limiting diversions in these months could result in uneconomical shipments of milk from the farms of producers regularly supplying the market to pool plants (from which, in turn, unneeded supplies would have to be shipped to nonpool plants for manufacturing) to acquire pooling status and thus to enable the producers to share equally in the marketwide pool. The diversion provisions adopted herein for April-July will tend to avoid unnecessary interplant shipments in handling the market's reserve milk supplies.

All diverted milk should be deemed for pricing purposes to have been received by the diverting handler at the location of the plant to which the milk was diverted. A handler proposal would price diverted milk at the location of the plant from which diverted. Likewise, a cooperative proposal would price milk diverted to a plant within 125 miles of Bristol, Kingsport, Knoxville, or Chattanooga at the location of the plant from which diverted.

The location adjustments are provided in recognition of the greater value of producer milk f.o.b. plants in or near the marketing area as compared to its value at other locations. It is not appropriate to continue pricing milk as if

delivered to the pool plant from which diverted (as now provided in the three existing orders).

When producer milk is received as diverted milk at a nonpool plant, its location value is similar to that of milk delivered by producers to a pool plant at the same distance from the market. Pricing milk at the location of the pool plant from which diverted has the effect of subsidizing, at the expense of producers generally, the more distant producers when the latter's milk is diverted to distant manufacturing plants rather than delivered to the market. This is because the distant producers would receive the f.o.b. market uniform price on milk that is not moved to the market and on which the full cost for the farm to market hauling has not been incurred.

A handler proposal which would exclude from the producer milk definition a cooperative's members' milk disposed of for Class II use under specified conditions should not be adopted. As proposed, cooperative member milk which the cooperative directed to a Class II use would not qualify as producer milk if the operator of a pool plant regularly purchasing Class I milk from such cooperative had requested, and was unable to obtain, milk for Class II use from the cooperative.

The proponent handler receives about 65 percent of his milk supply from members of a cooperative and 35 percent from nonmember producers. To produce Class II products such handler utilizes both milk received from producers and nonfluid milk products (e.g., nonfat dry milk and condensed milk). He indicated that he preferred the producer milk for making Class II products.

The handler stated that the cooperative had shifted to another plant for Class III use producers whose milk he wanted for Class II use. He expressed the view that the cooperative should supply his Class II needs with direct-delivery milk from member producers' farms before moving milk to another plant for Class III. This same handler has followed the practice of turning back milk to the cooperative during periods of heavy production while keeping the milk of his nonmember producers for Class II uses.

The Class II price under the order is the Class III price plus 10 cents. The Class II classification, like Class III, is a residual use and returns to the producers essentially a manufacturing milk value price.

The prices established under the order are intended to insure an adequate supply of pure and wholesome milk for the fluid market only. It is not intended that milk supplies shall be generated to insure handlers also supplies for other uses. Under usual circumstances, it is reasonable to expect that the available milk supplies in the hands of the cooperative and in excess of fluid needs will be disposed of in those outlets which will return the highest value to the cooperative. There are many considerations which obviously must be evaluated by the cooperative in any determination

of how its reserve milk supply will be disposed of. It would be inappropriate to condition the pooling of the market's reserve supply on its availability to proprietary handlers for other than Class I use.

A handler is not restricted with respect to his source of supplies for other than Class I. Similarly, the cooperative should not be restricted in its choice of outlets for member milk with an established association with the market which is not needed for Class I use.

Whether a dairy farmer's milk will qualify for pooling under the order is determined by the performance of the plant to which his milk is delivered in meeting the standards for qualifying as a pool plant. A plant that qualifies as a pool plant does so on the basis of having demonstrated an association with the market based on the Class I utilization of milk handled at such plant; or, in the case of a cooperative operating a balancing plant, on the basis of the total quantity of the cooperative producer-members' milk delivered to pool plants. The utilization of Class II milk at a plant in no way contributes to qualifying a plant as a pool plant. This recognizes that Class II is a residual use that returns to producers a price substantially below that at which they may be expected to produce milk for the fluid milk market.

(b) *Classification.* The uniform classification plan, which became effective August 1, 1974, in the Chattanooga order (and 38 other orders), is an appropriate basis for classifying milk under the merged order and should be adopted for the identical reasons set forth in the Secretary's decision adopting such classification plan. This plan provides for the classification of milk according to use, including rules for determining the classification of milk transferred or diverted from one plant to another. The plan also sets forth a procedure for allocating a handler's receipts of milk and milk products from various sources to his utilization in each class in order to determine the classification of producer milk.

This classification plan was proposed and supported by the cooperative and by other handlers. The cooperative's proposal, however, would have modified the shrinkage provisions by prorating shrinkage up to 2 percent of a plant's producer milk according to the utilization at the plant. Compared to the classification of shrinkage under the uniform classification plan advocated by handlers, this procedure would reduce substantially the quantity of shrinkage eligible for a Class III classification.

The testimony presented by the cooperative at the hearing provided no basis to justify adopting shrinkage classification provisions for the merged order different from those found appropriate for the Chattanooga order (and 38 other orders) by the Assistant Secretary in his February 2, 1974, decision (39 F.R. 8452), of which official notice is taken. Accordingly, the cooperative's proposal for dif-

ferent shrinkage classification provisions is denied.

A hearing was held June 26, 1975, in Washington, D.C., to consider adopting a revised "fluid milk product" definition in the orders (including Chattanooga) containing the uniform classification plan. The specific issue at that hearing concerned including in the fluid milk product definition the skim milk and butterfat in all flavored milk and flavored milk drinks with a nonfat milk solids content of not less than 6.5 percent by weight. A decision was issued July 11, 1975 (40 F.R. 30119), and on August 1, 1975, 37 orders (including Chattanooga) were amended to include the proposed "fluid milk product" definition. It is appropriate for the reasons stated in that decision (of which official note is taken) that the revised fluid milk product definition be included in the order adopted in this decision.

(c) *Class I price.* The Class I price per hundredweight of milk containing 3.5 percent butterfat should be the basic formula price (Minnesota-Wisconsin manufacturing milk price) for the second preceding month plus a Class I differential of \$2.10. This is the identical pricing procedure employed under the respective orders. However, the present Class I differentials for the Appalachian, Knoxville, and Chattanooga orders are \$2.13, \$1.70, and \$2.15, respectively.

The \$2.10 differential adopted herein would have resulted in an average Class I price of \$9.36 for 1974. The actual average Class I prices in 1974 under the Appalachian, Knoxville, and Chattanooga orders were \$9.39, \$8.96, and \$9.41, respectively.

Of the total 1974 Class I utilization of producer milk under the three orders of 848 million pounds, the Appalachian order pooled 452 million pounds, Knoxville 127 million pounds, and Chattanooga 269 million pounds. The weighted average price obtained by applying each order's Class I prices to the pounds of producer milk utilized in Class I under such order is \$9.33.

The proponent cooperative contended that a Class I differential of at least \$2.15 is necessary to insure the production of adequate supplies for the market and to maintain a reasonable alignment with the Class I prices in other Federal orders. The cooperative's spokesman held that its proposed Class I price was appropriately related to the cost of obtaining milk from the Chicago milkshed, the primary source of supplemental milk supplies nationally.

A handler proposal would have provided a \$1.84 Class I differential. Handlers contended that a lower Class I price than that proposed by the cooperative is justified in recognition of the fact that local handlers compete extensively for sales in certain locations with handlers regulated by adjacent Federal orders with substantially lower Class I prices. They cited particularly the lower Class I prices under the Nashville, Ohio Valley, and Louisville-Lexington-Evansville orders.

The Class I price established under an order must be at a level which, in conjunction with other class prices, results in returns to producers high enough to maintain an adequate but not excessive supply of quality milk to meet the fluid requirements, including the necessary market reserves. The Class I price also, insofar as practicable, reasonably must be appropriately aligned with the Class I prices in other competing Federal order markets. It cannot, however, in the public interest be established at a level which exceeds the cost of obtaining milk of acceptable quality and regular availability from alternative sources.

The combined Class I utilization for the three order markets averaged 83 percent of the producer milk pooled in 1974, which is a clear indication of a relatively tight market. In a number of months during the year the combined Class I utilization was more than 90 percent. This tight supply situation necessitated the importation of substantial quantities of milk, particularly during the months of seasonally low production, to meet the Class I needs of the market.

In view of the tight supply situation in this area it would be unrealistic to provide a Class I price level under the merged order below the average price that has been provided under the existing orders. The \$2.10 Class I differential adopted herein approximates the weighted average of the Class I prices now applicable under the three orders.

The Class I differential on the Chicago Regional order is \$1.26. Applying a location adjustment rate of 1.5 cents per hundredweight per 10 miles, which is the relationship on which Federal order prices are generally structured, to the distance from Chicago of 558 miles (the average of the distances from Chicago to Bristol, Knoxville, and Chattanooga) would indicate the need for a differential 84 cents in excess of the Chicago differential. This would result in a Class I differential of \$2.10 for the Tennessee Valley marketing area, which is the differential adopted in this decision.

Consideration must, of course, be given to handlers' concerns with respect to interorder price relationship among competing markets. It is quite apparent that price relationships between the three markets here under consideration and the adjacent Louisville-Lexington-Evansville and Nashville orders have not been structured on the basis of the general thesis of interorder price relationships. The existing unusual price relationships are in large measure reflective of the significant differences in the supply situation and other economic considerations relating to the procurement of milk for those markets. Notwithstanding, it is apparent that with continuing technological developments the competitive situation between these markets is changing significantly.

It is not possible on the basis of this record to in any way modify the Class I price level in the neighboring markets. On the other hand, as previously indi-

cated, it would be totally inappropriate to provide a lower Class I price level for the merged order than that here adopted. This will essentially maintain the relationships which have existed for an extended period of time.

It is essential in the interest of long run market stability that the price level in the Louisville-Lexington-Evansville and Nashville markets be reevaluated. In this regard, official notice is taken of the fact that hearings to accomplish this end have already been completed.

(d) *Location adjustments.* Location adjustments must be included in the order to insure an appropriate adjustment of the Class I and uniform prices at plant locations beyond the central market. Such adjustment, insofar as practicable, should be reflective of distance from the central market and the variable costs of moving milk to provide equity of prices as between handlers and equality of returns among producers.

No location adjustment should apply at any plant (1) in the marketing area or (2) east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina.

At plants outside the above named areas and more than 90 miles from Bristol, Chattanooga, and Knoxville, Tennessee, the location adjustment should be 1.5 cents for each 10 miles or fraction thereof that the plant is from the nearest of such basing points. The mileage for determining the location adjustment should be measured by the shortest hard-surfaced highway distance as determined by the market administrator.

Dairymen, Inc., proposed that location adjustments apply at plant locations 60 miles or more from Bristol, Chattanooga, Kingsport, or Knoxville, Tennessee, at the rate of 12 cents plus an additional 2 cents for each 10 miles beyond 70 miles. As proposed by the cooperative, location adjustments would reduce Class I prices at such plant locations in Kentucky, Tennessee, West Virginia, and Tazewell County, Virginia; and would increase the Class I price at other plant locations in Virginia, in North Carolina, and in states south of Tennessee and North Carolina. The cooperative's spokesman held that the adoption of its proposal would provide an appropriate price of milk for all plants which are, or might become, associated with the regulated market.

A handler proposal would provide no location adjustment at plants (1) in North Carolina, Tennessee, and Virginia; (2) in states south of Tennessee and North Carolina; (3) within 100 miles of the marketing area; and (4) within 350 miles of designated basing points (Bristol, Knoxville, or Chattanooga, Tennessee, or Harlan, Kentucky). At plants located elsewhere, the Class I and uniform prices would be reduced 1.5 cents for each 10 miles beyond 350 miles from the nearest basing point. Proponent handlers contended that such a provision is necessary to provide equity among handlers.

Under the present Appalachian order, location adjustments apply at plants 50

miles or more from the nearer of Bluefield, Welch, or Princeton, West Virginia; Harlan, Kentucky; or Kingsport, Tennessee. The location adjustment reduces the price at such plants at the rate of 10 cents plus an additional 1.5 cents for each 10 miles beyond 60 miles.

The Knoxville order location adjustment reduces the price 15 cents at plants 50 miles or more from Knoxville plus an additional 1.5 cents for each 10 miles beyond 60 miles.

The Chattanooga order location adjustment (applicable only at plants north of the southern boundary of Tennessee and the northern boundary of South Carolina) reduces the price 15 cents at plants more than 65 miles from Chattanooga plus an additional 1.5 cents for each 10 miles beyond 75 miles.

Under each of the respective orders location adjustments are not applicable to plants located within the marketing area. The Class I price adopted herein is established at a level deemed appropriate to obtain adequate milk supplies at plant locations f.o.b. the marketing area. At plant locations outside the marketing area, however, the Class I and uniform prices appropriately must be adjusted to reflect the value of milk at such locations relative to its value f.o.b. the marketing area.

For this reason, the DI proposal to provide location adjustments that would result in higher Class I and blend prices at outlying plants associated with the market but located in Virginia, North Carolina, and other locations generally south of Tennessee, must be denied. To provide such adjustments could only have the effect of limiting outside handlers access to the regulated market. While competitive prices at outside locations, in some situations, may exceed the order prices here provided, it would not be appropriate to assess on outside handlers under the terms of the order a price higher than that assessed on handlers within the regulated market.

An important aspect of fixing location adjustments, particularly for an elongated marketing area such as is provided herein, is to establish basing points which will tend to promote equity of pricing among regulated handlers. In this connection, the basing points for computing location adjustments under the combined and extended order should be Bristol, Chattanooga, and Knoxville, Tennessee. Many of the regulated plants serving the market are in close proximity to these cities, which are the principal population centers in the market. No useful purpose would be served by retaining the additional basing points that have been employed under the Appalachian order or to adopt additional new basing points. The scheme of location pricing here adopted will promote appropriate price alignment as among competing handlers.

Because of the location of plants in the market, and the general overlapping of procurement and distribution areas of competing handlers, it is impractical and unnecessary to provide location adjustments at plant locations in the marketing area or within 90 miles of the three basing points (i.e., Bristol, Chattanooga

or Knoxville). Equity as between handlers and among producers will be advanced by providing a single pricing at all locations within this area.

For plant locations east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina, no useful purpose would be served by the application of location pricing.

Historically, the Chicago milkshed has been a major source of supplemental supplies for markets throughout much of the United States, including the markets in this general region. To reflect the variable cost of moving milk from the Upper Midwest to distant markets, Class I prices in Federal order markets are structured to generally increase in relation to the distance from the Chicago milkshed. Substantially, the gradation of prices from market to market from north to south reflects a differential approximating 1.5 cents per hundredweight per 10 miles. This structuring of prices must be recognized in the structuring of pricing under this order in the interest of maintaining orderly marketing in the region.

Prices in markets south of the Tennessee Valley market exceed the price established herein. Milk markets to the south are generally in tight supply, and handlers should not be encouraged by price incentives to procure milk for this market from plants to the south. To do so would encourage uneconomic milk movements. To provide adjustments which would reduce the order price at locations to the south could distort the interorder price alignment among competing plants, which is essential to continuing orderly marketing in the region.

The overlapping sales and procurement areas of handlers regulated by the Georgia and Chattanooga orders were recognized when the present Chattanooga order location adjustment provisions were adopted in 1969. The structure of pricing herein adopted will continue essentially the identical interorder price relationships which have existed between Georgia and Chattanooga regulated plants.

DI urged the adoption of a location adjustment rate of two cents per 10-mile distance rate rather than the 1.5 cent rate here adopted. It contended that the present rate, which has been used for an extended period of time, no longer reflects the cost of transporting milk from distant plants to the market. In support of their position, the cooperative introduced data showing actual charges it had paid for the hauling of supplemental milk from Wisconsin to various points in Indiana, Kentucky and Ohio during the fall months of 1974. These data showed hauling rates varying from 1.8 to 2.3 cents per hundredweight per 10 miles. The cooperative also presented information showing substantial price increases in various items affecting transportation costs, such as costs for trucks, tankers and fuel.

Handler representatives acknowledged that transportation costs had increased. However, they urged that 1.5 cent per

10-mile distance be used in any location adjustment provisions to be contained in any order or orders resulting from this hearing. They contended it would be inappropriate to increase the 1.5 cent factor unless it is increased in all Federal orders at the same time.

It is neither appropriate nor necessary to establish higher prices in this market solely to reflect the currently higher transportation costs for moving milk. Such objective can only be accomplished through a general hearing covering all Federal orders. At any such hearing, one of the matters which would have to be resolved would be how this might be accomplished within the limits of the present variation in Class I prices from north to south. Further, if the total difference in prices north to south were to be increased, an important consideration at such hearing would center on how this might be accomplished under the standards of the Act and existing supply-demand relationships. Accordingly, the 2-cent per 10-mile location adjustment rate proposed by the cooperative is denied.

A handler proposal submitted at the hearing would apply location adjustments to the Class I price based on the location where the Class I milk is disposed of instead of at the location of the plant to which milk was delivered from producers' farms. Since the Act specifically provides for the pricing of milk at "the locations at which delivery * * * is made", the proposal is denied.

The merger proponent urged continuation of the order provisions that limit the amount of the location adjustment which may be allowed under certain conditions. When a distant pool supply plant ships milk under an agreed upon Class I classification to a pool distributing plant in the marketing area, the pool obligation of the supply plant operator will usually be the Class I price adjusted for the location of the supply plant. However, to the extent that the distributing plant receiving supply plant milk has also received milk directly from producers to cover its Class I sales, the supply plant operator does not receive the location adjustment credit (equal to the amount of the location adjustment at his plant) otherwise applicable with respect to his pool obligation for the Class I milk so transferred.

The basic concept of this limitation on location adjustment credits should be carried forth under the merged order. A distributing plant operator appropriately should be required to assign his locally produced milk first to his Class I needs. Permitting a handler to bring in distant supply plant milk for Class I use and then to allocate the local supply into lower valued uses would result in subsidizing from the pool, at the expense of reduced returns to producers, the unnecessary transportation of milk to the market. This is because the Class I milk involved would be priced not at the location of the distributing plant but at the supply plant location where the Class I price is lower. This would subvert the intent of the Class I price level at the distributing

plant, which is to attract milk to that location for Class I use. It is this price level that must be reflected in returns to producers.

Distributing plants relying on supply plant milk for Class I use should be encouraged to draw such milk from the nearest plant or plants. Otherwise, producers on the market would have their returns lowered through the granting of price credits on milk unnecessarily moved between pool plants for other than Class I use.

In some situations a distributing plant in the marketing area may receive milk the Class I price level at the distributing from a near-in supply plant under an agreed Class III classification while receiving an equivalent amount of more distant supply plant milk under an agreed Class I classification. Although the more distant plant would be eligible for a location adjustment credit under such circumstances under the provisions adopted herein, such credit should be limited to the lesser credit that would have been applicable to the near-in supply plant milk had it been classified as Class I milk. This procedure serves to restrict the transportation costs which are borne by the pool, and hence all producers, to that necessary to fulfill handler's Class I needs.

(e) *Partial payments to producers.* Handlers should be required to make a partial payment for milk received during the first 15 days of the month from producers and cooperative bulk tank handlers at not less than the Class III price for the preceding month or 90 percent of the uniform price for the preceding month, whichever is higher. The payment should be made on or before the last day of the month with respect to all milk received during the first 15 days of the month from producers who had not discontinued delivery to the handler by the 25th day of the month. Partial payments to cooperatives authorized to collect payment for members should be made two days before the last day of the month.

The Chattanooga order requires a partial payment by the last day of the month for milk delivered during the first 15 days of the month by producers who had not discontinued delivery to the handler before the 25th of the month. The payment rate is the previous month's Class III price. Payments to cooperatives authorized to collect for producer members are due two days earlier than payments to individual producers. Authorized deductions from the partial payment are allowed.

The Knoxville order partial payment provisions are similar to those in the Chattanooga order. However, deductions from the partial payment are not allowed and the payment must be made whether or not a producer had discontinued his shipments to the handler during the month.

The present Appalachian order requires no partial payments for producer milk.

Dairymen, Inc., proposed that handlers be required to make separate par-

tial payments for producer milk received during each of the first two 10-day delivery periods of the month. Under this proposal these payments, at 90 percent of the previous month's uniform price, would be due on the 17th and 27th of the month to individual producers and two days earlier to cooperatives collecting for their member producers. In its post-hearing brief, the cooperative urged that the rate of payment be not less than the previous month's Class III price. The cooperative's proposal would permit authorized deductions to be withheld from the partial payments.

Proponent cooperative's spokesman recognized that its proposed partial payment provisions would increase handlers' costs for milk, but held they are needed to improve the cash flow to dairy farmers. He contended that dairy farmers, faced with increasing production costs and greater demands for cash for purchasing items needed to continue producing milk, urgently need payment for their milk at a higher rate and at more frequent intervals. Higher interest rates in the last two years were cited in particular as justifying more frequent payments to producers.

Handlers proposed a single partial payment to be made by the last day of the month at the previous month's Class III price. Such partial payment would apply to all milk received during the first 15 days of the month from producers who had not discontinued shipping to such handler before the 25th day of the month. Their proposal would permit authorized deductions to be withheld in making such partial payment.

Handlers opposed any requirement for two partial payments on the basis that the reasons cited by proponent for needing more frequent partial payments reflect general business conditions facing handlers and producers alike. Handlers' representatives contended the order should not be changed to recognize producers' problems at the expense of handlers.

Handlers claimed that two partial payments for a large volume of producer milk at a higher rate, as proposed, would significantly increase their costs for milk. In addition to requiring more frequent cash outlays, administrative costs related to making more frequent payments would increase as well, according to their spokesmen. They also contended that adoption of the proposal would impose a burdensome time schedule on handlers during the first 15 days of the month.

The Milk Industry Foundation, a national trade association of milk processors, opposed the proposal for two partial payments and stated that its adoption would result in added costs to handlers. It took the position that any changes to be made in payment dates or procedures should be applicable on a uniform basis in all Federal orders.

Since producers must make cash outlays for their production inputs or, in the alternative, borrow money in the competitive commercial market to cover their production costs, it is readily understandable that they desire prompt

payment for their milk. At the same time, it is also understandable that handlers oppose change from traditional market payment practices that would increase their payment costs.

There was no opposition to a requirement that handlers make a partial payment prior to the date for final payment for milk. Although such payments are not now required under the Appalachian order, both producers and handlers regulated under that order supported the adoption of a partial payment provision for the merged and extended order. Under these circumstances, it is concluded that a single advance payment for milk delivered during the first 15 days of the month is appropriate. Such payment should be required on or before the last day of the month (two days earlier if payment is made to the cooperative) for all producers who had not discontinued delivery to the handler before the 25th day of the month. This comports with the traditional payment procedure followed in most milk markets. While the two advance payments requested by the cooperative could, under some circumstances, insure a better cash flow for some producers, this procedure would not over time change the total monies a producer would receive in a 30-day period. In light of the potential additional costs to handlers and an additional administrative cost which would be incurred, there is no compelling justification for the requested two partial payments.

Requiring a partial payment rate (90 percent of the previous month's uniform price) as proposed by the cooperative, will provide assurance to producers of a partial payment closely reflecting the value of their milk deliveries during the first half of the month. In light of the lapse of time between delivery and time of payment, it is desirable that the payment reflect the approximate value of the milk for which payment is being made. The purpose of the change in payment rate to 90 percent of the previous month is to increase the amount of partial payment. It would be inappropriate if the change should result in a lesser payment. Accordingly, it is provided that such payment rate shall not under any circumstance be less than the previous month's Class III price.

In opposing the cooperative's proposal for two partial payments, handlers expressed concern that the likelihood of overpayments to producers who discontinued milk deliveries during the month would be increased. Since the partial payment provisions adopted herein apply only to the first 15 days' deliveries by producers who had not discontinued shipping by the 25th of the month, the likelihood of any overpayments is minimized.

Recognizing that producers may purchase supplies through their handler on credit or arrange with the handler to pay assignments against monies due from their milk proceeds, it is appropriate that the order permit proper deductions from the individual producer payments authorized in writing by the producer.

(f) *Base-excess plan.* A base-excess plan should not be included in the merged order.

A handler proponent of merging the Chattanooga and Knoxville orders proposed including the Chattanooga order's base-excess plan provisions in any order resulting from this proceeding that would regulate his plant. (Under the Chattanooga order, a daily base is calculated for each producer in accordance with his deliveries in September through January. In the following March through July, a producer is paid a base price for his deliveries that are not in excess of his base and a lower price for any additional milk delivered.) The handler claimed that failure to provide a base-excess plan would result in extreme and costly seasonal production variations.

Dairymen, Inc. (DI), proponent of the three-market merger, although its hearing notice proposal included no base-excess plan, supported inclusion of such a plan in the merged order. The cooperative's spokesman contended that adoption of a base-excess plan would benefit consumers, processors, and producers by encouraging a leveling of seasonal milk production.

One handler opposed including a base-excess plan in any order resulting from the hearing that would involve the Appalachian market. He contended that the Appalachian and Knoxville orders have operated successfully without such a plan. He expressed the view that because the proposed merged order is a high Class I utilization market without a substantial seasonal production problem, a base-excess plan would serve only to restrict entry of new producers into the market in an unnecessary manner.

A base-excess plan has operated under the Chattanooga order since its inception in 1956. Base-excess plans formerly included in the Knoxville and Appalachian orders were terminated¹ in 1968 and 1971, respectively.

In supporting a base-excess plan for the merged order, DI relied upon production data of its member producers to demonstrate the leveling effect of the cooperative-operated base-excess plan on production. Its member producers' daily production for the months of lowest production in each year averaged 88 percent of that for the highest production months in the same year during the most recent seven-year period.

The proponent of a base-excess plan pointed out that the cooperative operates a base-excess plan, and under such circumstances the order should include such a plan so that nonmember producers would receive payment for their milk on the same basis as member producers.

Seasonal variations in total milk production pooled under the three orders

are not extreme. In 1974, production per day in August, September and October (the months of lowest production) averaged 86 percent of daily production in March, April and May (the months of highest production). The record provides no indication that a base-excess plan could achieve a more desirable seasonality of production or is needed to maintain the present seasonality of production.

When the base-excess plan in the Appalachian order was terminated in 1971, it was at the request of DI, representing 99 percent of the producers under the order. The basis for the request was that the cooperative had recently adopted a base-excess method of paying producers considerably different from the base-excess plan in the order.

Termination of the Knoxville base-excess plan in 1968 resulted from the request of Tennessee Valley Milk Producers (which later became a part of DI), representing 98 percent of the order's producers. The cooperative then rebled the proceeds from the sale of its members' milk, irrespective of where sold, and paid its members under the Knoxville and Chattanooga orders on the same basis. The request for termination was granted to assist the cooperative in using a uniform base-excess plan in paying its members.

DI, under its base-excess plan operated outside the order, rebled the proceeds from the sale of its members' milk in a number of markets, including the three proposed to be merged. In effect, the reasons for removing the base-excess plans from the Appalachian and Knoxville orders are equally applicable under current conditions as justification for not including a base-excess plan in the merged order. Moreover, although DI and proponent handler indicated their support of a base-excess plan in the merged order, the testimony they presented failed to establish that such a plan is needed to correct any current or prospective imbalance of production for the market or is otherwise justified under current conditions.

(g) *Administrative provisions.* (1) *Advancing announcement of Class II price.* One handler proposal considered at the hearing would provide that the Class II price for the month be announced by the 5th day of the preceding month and be based on the basic formula price for the second preceding month.

A similar proposal by handlers was denied in a decision issued February 19, 1974 (39 F.R. 8452) concerning classification and other issues in 39 orders, including the Chattanooga order. The present proceeding does not present any changed circumstances that provide a basis for different conclusion with respect to the Tennessee Valley marketing area. The proposal is denied for the identical reasons stated by the Assistant Secretary in his February 19, 1974 decision, official notice of which is taken.

(2) *Allowing handlers to report on basis of two accounting periods in any month.* Proposals to allow handlers the option of filing two monthly reports of

receipts and utilization should not be adopted.

Under proposals submitted by Dairymen, Inc., and by other handlers, a handler could elect to report milk receipts and utilization for any month on the basis of two accounting periods. The present Appalachian order provides for filing two reports if a handler so elects.

A spokesman for proponent handlers testified that permitting two accounting periods within a single month would provide handlers greater flexibility in procuring milk supplies. He maintained that such flexibility would result from being able to more nearly trace the actual use of particular receipts. According to his testimony, this would be of benefit in assuring an adequate supply of milk.

The claim that an option of filing two reports would benefit handlers was not substantiated by the evidence. Two of the three orders merged in this decision require a single monthly report of receipts and utilization. Throughout the Federal order system the month is the prescribed accounting period. No evidence was presented to show that handlers under the Knoxville and Chattanooga orders have in any way been adversely affected by the lack of the option for split accounting. Additionally, there is no indication that handlers under the Appalachian order have ever utilized the option. The record fails, therefore, to establish that any useful purpose would be served by including the proposed provision in the merged order.

(3) *Interest on overdue accounts.* Proponent cooperative proposed a one-half percent per month interest charge on any unpaid obligation incurred under the order. As proposed, the change would be applied on the first day of the month following the due date and on the first day of each month thereafter until such obligation is paid. The interest provision, as proposed, would apply to money owed by a handler to the market administrator, by the market administrator to a handler, and by a handler to a producer or a cooperative. Proponent claimed such provisions are needed to insure prompt payment of obligations imposed under the order.

Handlers opposed adoption of the cooperative's proposal on the grounds that such provisions are not included, and have not been needed, in the three existing orders. Their spokesmen particularly opposed applying late-payment charges on handler obligations to producers and cooperatives. They express the view that good credit policing by producer cooperatives and others would obviate any need for including such provisions in an order.

There is no indication on the record of any significant delinquencies by handlers on the market in meeting payment obligations to the market administrator or to producers, including cooperatives. We are not aware that there has been, or is, any problem in the matter of payments. Clearly, the proposal presented could not be helpful. To the contrary, the fact that interest charges would not be instituted until the first day

¹ Official notice is taken of the order terminating the base-excess provisions in the Knoxville order, effective December 7, 1968 (33 F.R. 8228) and of the order terminating the base-excess provisions in the Appalachian order, effective March 25, 1971 (36 F.R. 5576).

of the month following the due date could only encourage handlers to defer payment obligations until the end of the month. This has been the experience with interest charges under Federal orders when a grace period is specifically provided. In addition, (1) an interest charge of one-half percent per month could not be expected to implement payment and (2) there is no practical way in which an interest charge could be effectively administered on handler obligations to producers and cooperatives.

Under the circumstance, it is concluded that no interest provision should be adopted on the basis of this record. If such a provision nevertheless is desired, the matter should be explored in greater depth in another proceeding.

(4) *Merger of the administrative expense, marketing service, and producer-settlement funds.* To accomplish the merger of the three orders effectively and equitably, the reserves in the administrative expense funds that have resulted under the individual orders should be combined. A similar procedure should be followed with respect to the marketing service and producer-settlement fund reserves of the individual orders. Any liabilities of such fund under the individual orders should be paid from the appropriate new fund established under the merged order. Similarly, obligations that are due the several funds under the individual orders should be paid to the appropriate combined fund under the merged order.

The money paid to the administrative expense fund is each handler's proportionate share of the cost of administering the order. It is anticipated that all handlers currently regulated under the individual orders will continue to be regulated under the merged order. In view of this, it would be an unnecessary administrative and financial burden to allocate back to handlers the reserve funds under the individual orders and then accumulate an adequate reserve for the merged order. It is equally equitable and more efficient to combine the administrative monies accumulated under the individual orders and to pay any liabilities against such funds from the consolidated fund of the merged order.

The money accumulated in the marketing service funds of the individual orders is that which has been paid by producers for whom the market administrator is performing services. The producers who have contributed to the marketing service fund of each order are expected to continue to supply milk under the merged order. The consolidation of the reserves in the individual marketing service funds is therefore appropriate in view of the continuation of the marketing service program for these producers under the merged order.

The producer-settlement fund balances in the three orders should be combined so that the producer-settlement fund under the merged order may be continued without interruption. The producers currently supplying the individual markets are expected to continue to

supply milk for the merged market. Thus, monies now in the producer-settlement funds of the individual orders would be reflected in the uniform prices of the producers who will benefit from the merged order. The combined fund would also serve as a contingency fund from which money would be available to meet obligations (resulting from audit adjustments and otherwise) accruing under one or the other of the separate funds.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The finding and determination hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1011.85 of the aforesaid tentative marketing agreement and the order as proposed to be amended.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Tennessee Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

Subpart—Order Regulating Handling

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ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1011.85	Assessment for order administration.
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AUTHORITY: Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674.

Subpart—Order Regulating Handling

GENERAL PROVISIONS

§ 1011.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1011.2 Tennessee Valley marketing area.

The "Tennessee Valley marketing area," hereinafter called the marketing area, means all the territory within the boundaries of the following counties, including all waterfront facilities connected therewith and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within the listed counties:

(a) In Tennessee, the counties of:

Anderson	Loudon
Blount	Marion
Bradley	McMinn
Campbell	Meigs
Carter	Monroe
Clairborne	Morgan
Cocke	Polk
Cumberland	Rhea
Grainger	Roane
Greene	Scott
Hamblen	Sequatchie
Hamilton	Sevier
Hancock	Sullivan
Hawkins	Unicoi
Jefferson	Union
Johnson	Washington
Knox	

(b) In Kentucky, the counties of:

Bell	Leslie
Breathitt	Letcher
Harlan	Perry
Knott	Whitley
Knox	

(c) In Virginia: (1) The counties of:

Buchanan	Scott
Dickenson	Tazewell
Lee	Washington
Russell	Wise

(2) The cities of:

Bristol	Norton
Catoosa	Murray
Chattooga	Walker
Dade	Whitfield
Fannin	

(e) In West Virginia, the counties of:

McDowell	Mercer
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§ 1011.3 Route disposition.

"Route disposition" means a delivery to a retail or wholesale outlet (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I milk.

§ 1011.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged. Separate facilities without stationary storage tanks which are used only as a reload point for transferring bulk milk from one tank truck to another or separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1011.5 [Reserved]

§ 1011.6 [Reserved]

§ 1011.7 Pool plant.

Except as provided in paragraph (e) of this section, "pool plant" means:

(a) A plant that is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which during the month:

(1) Route disposition, except filled milk, in the marketing area is not less than 10 percent of the total quantity of Grade A fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1011.13; and

(2) The total quantity of fluid milk products, except filled milk, disposed of in Class I is not less than 50 percent of the total quantity of fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1011.13.

(b) A plant, other than a plant described in paragraph (a) of this section, from which not less than 50 percent of the total quantity of milk approved by a duly constituted regulatory agency for fluid consumption that is physically received from dairy farmers (except receipts at such plant by diversion from other order plants) and handlers described in § 1011.9(c) at such plant or diverted therefrom pursuant to § 1011.13 during the month is shipped from such plant as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

(c) A plant that was a pool plant pursuant to paragraph (b) of this section in each of the immediately preceding months of August through March shall be a pool plant for the months of April through July unless the milk received at the plant does not continue to meet the requirements of a duly constituted regulatory agency or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

(d) Any plant located in the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month 60 percent or more of the producer milk of members of the cooperative association is delivered directly from their farms to pool plants described in paragraph (a) of this section or is transferred to such plants as a bulk fluid milk product from the plant of the cooperative association, subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a), (b), or (c) of this section or under the provisions of another Federal order applicable to a distributing plant or a supply plant; and

(2) The plant is approved by a duly constituted regulatory agency to handle milk for fluid consumption.

(e) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area; and

(4) A plant qualified pursuant to paragraph (b) or (c) of this section which also meets the pooling requirements for the month under another Federal order unless such plant qualified as a pool plant pursuant to paragraph (b) of this section for each of the preceding months of August through March.

§ 1011.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not a producer-handler plant, a governmental agency plant or an other order plant and from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is not a producer-handler plant, a governmental agency plant or an other order plant and from which fluid milk products are shipped to a pool plant.

(e) "Governmental agency plant" means a plant operated by a governmental agency from which fluid milk products are distributed in the marketing area. Such plant shall be exempt from all provisions of this part.

§ 1011.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A cooperative association with respect to milk of producers diverted for the account of such association pursuant to § 1011.13;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; and

(f) Any person who operates an other order plant described in § 1011.7(e).

§ 1011.10 Producer-handler.

"Producer-handler" means any person:

(a) Who operates a dairy farm and a processing plant from which there is route disposition in the marketing area;

(b) Who receives no fluid milk products from sources other than his own farm production, pool plants and other order plants;

(c) Whose receipts of fluid milk products from pool plants do not exceed a daily average of 1,500 pounds during the month;

(d) Who disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from his own farm production or pool plants; and

(e) Who provides proof satisfactory

to the market administrator that the care and management of the dairy farm and other resources necessary for his own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

§ 1011.11 [Reserved]

§ 1011.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption, which milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1011.9(c); or

(3) Diverted from a pool plant in accordance with § 1011.13.

(b) "Producer" shall not include:

(1) A producer-handler as described in any order (including this part) issued pursuant to the Act;

(2) A governmental agency operating a plant exempt pursuant to § 1011.8(e);

(3) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1011.44(a)(8)(iii) and the corresponding step of § 1011.44(b);

(4) Any person with respect to milk produced by him that is reported as diverted to another order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; and

(5) A person with respect to any milk that is received at or diverted from a plant that has automatic pool status pursuant to § 1011.7(c) in any month of April through July, unless at least 60 days' production from the farm of such person was producer milk during the preceding August through March or unless such plant is a pool plant for the month on the basis of shipments to pool plants described in § 1011.7(a).

§ 1011.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1011.9(c); or

(c) Diverted by the operator of a pool plant or a cooperative association from a pool plant to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

(1) In any month of April through July, such milk may be diverted on any number of days;

(2) In any month of August through March, not less than two days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(3) In any month of August through March, the total quantity of milk so diverted during the month by a cooperative association shall not exceed one-third of the producer milk that the cooperative association caused to be delivered to, and is physically received at, pool plants during the month;

(4) In any month of August through March, the operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (c)(3) of this section. The total quantity of milk so diverted during the month shall not exceed one-third of the producer milk physically received at such plant during the month that is eligible to be diverted by the plant operator;

(5) To the extent that it would result in nonpool status for the pool plant from which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk;

(6) The cooperative association shall designate the dairy farmer deliveries that are not producer milk pursuant to paragraph (c)(5) of this section. If the cooperative association fails to make such designation, no milk diverted by it to a nonpool plant shall be producer milk; and

(7) Diverted milk shall be priced at the location of the nonpool plant to which diverted.

§ 1011.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1011.40 (b)(1) from any source other than producers, handlers described in § 1011.9 (c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1011.0(b)(1);

(c) Products (other than fluid milk products, products specified in § 1011.40 (b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1011.40(b)(1)) for which the handler fails to establish a disposition.

§ 1011.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1011.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1011.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milk-fat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1011.18 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

HANDLER REPORTS

§ 1011.30 Reports of receipts and utilization.

On or before the sixth day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1011.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1011.40(b) (1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1011.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1011.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1011.9 (a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1011.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1011.32 Other reports.

In addition to the reports required pursuant to §§ 1011.30 and 1011.31, each handler shall report such other information as the market administrator deems necessary to verify or establish each handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1011.40 Classes of utilization.

Except as provided in § 1011.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1011.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b) (1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c) (1) (iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b) (1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b) (1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b) (1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1011.15; and

(6) In shrinkage assigned pursuant to § 1011.41(a) to the receipts specified in § 1011.41(a)(2) and in shrinkage specified in § 1011.41(b) and (c).

§ 1011.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1011.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a) (1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1011.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for

which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1011.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1011.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1011.44(a)(12) and the corresponding step of § 1011.44(b):

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1011.44(a)(7) or the corresponding step of § 1011.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1011.44(a)(11) or (12) or the corresponding steps of § 1011.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid

cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1011.40.

(c) *Transfers to producer-handlers and transfers and diversions to governmental agency plants.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted to a governmental agency plant shall be classified:

(1) As Class I milk, if so moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler, or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d) (2) (i) (a) and (b) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d) (2) (ii) through (viii) of this section:

(a) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1011.30 for the month within which such transaction occurred; and

(b) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(b) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(c) Pro rata to receipts of bulk milk products at such nonpool plant from pool plants; and

(d) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(b) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(a) To such nonpool plant's receipts from dairy farmers who the market ad-

ministrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(b) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Transfers by a handler described in § 1011.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1011.9(c) to another handler's pool plant shall be classified pursuant to § 1011.44 pro rata with producer milk received at the transferee-handler's plant.

§ 1011.43 General classification rules.

In determining the classification of producer milk pursuant to § 1011.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1011.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1011.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1011.40, 1011.41, and 1011.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1011.9 (b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk

solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1011.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1011.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1011.9(a) for each of his pool plants separately the classification of producer milk and milk received from a handler described in § 1011.9(c), by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1011.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a) (7) (vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1011.40(b) (1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1011.40(b) (1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to,

any product specified in § 1011.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1011.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of milk from a dairy farmer described in § 1011.12(b)(5);

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(i) (a) through (c) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the han-

dlers other pool plants shall be adjusted in the reverse direction by a like amount;

(a) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(b) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1011.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(c) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1011.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received;

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph

exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1011.45(a); or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such pro-

ration at the pool plants at which such other source milk was received;

(11) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II) to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1011.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk and milk received from a handler described in § 1011.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1011.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a) (14) of this section and the corresponding step of paragraph (b) of this section.

§ 1011.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1011.44(a) (12) and the corresponding step of § 1011.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1011.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

CLASS PRICES

§ 1011.50 Class prices.

Subject to the provisions of § 1011.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.10.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1011.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For

such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

§ 1011.52 Plant location adjustments for handlers.

(a) For milk received from producers or from a handler described in § 1011.9 (c) at a plant that is outside the marketing area and more than 90 miles by the shortest hard-surfaced highway distance as determined by the market administrator from the city halls in Bristol, Chattanooga, and Knoxville, Tennessee, and which is classified as Class I milk subject to the limitations pursuant to paragraph (b) of this section, the Class I price shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is from the nearest of the city halls in Bristol, Chattanooga, and Knoxville, except that no adjustment shall be made under this paragraph at any plant that is located east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina.

(b) For fluid milk products transferred in bulk form between pool plants, a location adjustment credit for the transferor-plant shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) Subtract from the pounds of skim milk remaining in Class I at the transferee-plant after the computations pursuant to § 1011.44(a) (12) an amount equal to:

(i) The pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1011.9(c); and

(ii) The pounds of skim milk in receipts of packaged fluid milk products from other pool plants;

(2) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts of bulk fluid milk products from other pool plants, first to the transferor-plant at which no location adjustment applies and then to other plants in sequence beginning with the plant at which the least location adjustment applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor-plants by multiplying the hundredweight of skim milk assigned pursuant to paragraph (b) (2) of this section to each transferor-plant by the applicable location adjustment rate for each such plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b) (3) of this section

to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1011.42(a), in sequence beginning with the plant at which the least location adjustment applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable location adjustment rate for such plant. If the aggregate of this computation for all plants having the same location adjustment rate exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers from such plants; and

(5) Location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraph (b) (1) through (4) of this section.

(c) The Class I price applicable to other source milk shall be adjusted by the amounts set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1011.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1011.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICE

§ 1011.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1011.9 (b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1011.9(c) that were classified in each class pursuant to §§ 1011.43 (a) and 1011.44(c) by the applicable class prices, and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1011.44(a) (14) and the corresponding step of § 1011.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1011.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the

Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1011.44(a) (9) and the corresponding step of § 1011.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1011.44(a) (7) (i) through (iv) and (vii) and the corresponding step of § 1011.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1011.44(a) (7) (v) and (vi) and the corresponding step of § 1011.44 (b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1011.44(a) (11) and the corresponding step of § 1011.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handler fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

§ 1011.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content at pool plants at which no location adjustment applies as follows:

(a) Combine into one total the values computed pursuant to § 1011.60 for all handlers who filed the reports prescribed in § 1011.30 for the month and who made the payments pursuant to § 1011.71 for the preceding month;

(b) Add one-half the unobligated balance in the producer-settlement fund;

(c) Add an amount equal to the total value of the location adjustments computed pursuant to § 1011.75;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1011.60(f); and

(f) Subtract not less than 4 cents nor more than 5 cents. § 1011.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 10th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1011.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1011.71, 1011.76, and 1011.77, and out of which he shall make all payments pursuant to §§ 1011.72 and 1011.77: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1011.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a) (1) of this section exceeds the amount specified in paragraph (a) (2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1011.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1011.75, of such handler's receipts of producer milk and milk received from handlers pursuant to § 1011.9(c); and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1011.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b) (1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but

not to be less than the Class III price) and the Class III price.

§ 1011.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market adminis-

trator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1011.71(a)(2) exceeds the amount computed pursuant to § 1011.71(a)(1). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1011.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler before the 25th day of the month, at not less than the Class III price for the preceding month or 90 percent of the uniform price for the preceding month, whichever is higher; and

(2) On or before the 16th day of the following month, an amount equal to not less than the uniform price, as adjusted pursuant to §§ 1011.74 and 1011.75, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to paragraph (a)(1) of this section;

(ii) Less deductions for marketing services made pursuant to § 1011.86;

(iii) Plus or minus adjustments for errors made in previous payments made to such producers; and

(iv) Less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1011.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Each handler shall make payment to the cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before two days prior to the last day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 14th day after the end of each month for milk received during such month.

(c) Each handler pursuant to § 1011.9 (a) who receives milk from a cooperative association as a handler pursuant to § 1011.9(c), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk as follows:

(1) On or before two days prior to received during the first 15 days of the month, not less than the Class III price for the preceding month or 90 percent of the uniform price for the preceding month, whichever is higher; and

(2) On or before the 14th day of the following month for milk received during the month, not less than the uniform price as adjusted pursuant to §§ 1011.74 and 1011.75, and less than any payments made pursuant to paragraph (c)(1) of this section.

(d) In making payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate at which payment to the producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1011.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1011.75 Plant location adjustments for producers and on nonpool milk.

(a) In making the payments required pursuant to § 1011.73, the uniform price computed pursuant to § 1011.61 for the month shall be adjusted by the amounts set forth in § 1011.52 according to the location of the plant where the milk being priced was received.

(b) For purposes of computing the value of other source milk pursuant to § 1011.71, the uniform price shall be adjusted by the amount set forth in § 1011.52 that is applicable at the location of the nonpool plant from which the milk was received, except that the adjusted uniform price shall not be less than the Class III price.

§ 1011.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1011.30(b) and 1011.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant;

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and uniform price shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1011.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially

regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b) (1) (i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1011.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1011.60 for such handler shall include, in lieu of the value of other source milk specified in § 1011.60(f) less the value of such other source milk specified in § 1011.71(a) (2) (ii), a value of milk determined pursuant to § 1011.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1011.7(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1011.30(b) and 1011.31(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1011.60 for such nonpool supply plant shall be determined in the same

manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b) (1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1011.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b) (1) (iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1011.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b) (1) (iii) of this section applies.

§ 1011.77 Adjustment of accounts.

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 1011.71, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1011.72, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1011.73, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1011.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the

end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk (including such handler's own production) other than such receipts by a handler described in § 1011.9(c) that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in § 1011.9(c);

(c) Other source milk allocated to Class I pursuant to § 1011.44(a) (7) and (11) and the corresponding steps of § 1011.44(b), except such other source milk that is excluded from the computations pursuant to § 1011.60 (d) and (f); and

(d) Route disposition from a partially regulated distributing plant in the marketing area that exceeds the skim milk and butterfat specified in § 1011.76(a) (2).

§ 1011.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1011.73, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

Signed at Washington, D.C., on March 12, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-7643 Filed 3-17-76; 8:45 am]

federal register

THURSDAY, MARCH 18, 1976



PART III:

ENVIRONMENTAL PROTECTION AGENCY

■

STATE PROGRAM ELEMENTS NECESSARY FOR PARTICIPATION IN THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Concentrated Animal Feeding Operations

Title 40—Protection of Environment
CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY

[FRL 503-2]

PART 124—STATE PROGRAM ELEMENTS
NECESSARY FOR PARTICIPATION IN
THE NATIONAL POLLUTANT DIS-
CHARGE ELIMINATION SYSTEM

PART 125—NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM

Concentrated Animal Feeding Operations

On November 20, 1975, the Environmental Protection Agency (EPA) proposed regulations for applying the National Pollutant Discharge Elimination System (NPDES) permit program to concentrated animal feeding operations (40 FR 54182). These regulations were proposed in accordance with the June 10, 1975, court order issued following the decision of the Federal District Court for the District of Columbia in the case of

NRDC v. Train [396 F. Supp. 1393, 7 ERC 1881 (D.D.C. 1975)]. Although EPA is proceeding with the appeal of this case, the Agency is required to proceed with the promulgation of these regulations. For a detailed history of the development of the proposed regulations, see the preamble to the November 20, 1975, publication.

At the time of the November 20, 1975, publication of the proposed regulations EPA solicited comments on all aspects of the regulations and received more than 50 comments in response from industry groups, educational institutions, environmental organizations, federal, state and local agencies and interested persons. The comments have been carefully considered and several changes have been made to the proposed regulations in response to the suggestions made. The most important of these changes are diagrammed as follows and discussed below.

BASIC STRUCTURE OF FEEDLOT PROGRAM
PROGRAM PROPOSED IN NOV. 5 REGULATIONS

Feedlots with 1,000 or more animal units	Feedlots with less than 1,000 animal units
Permit required for all feedlots with discharges ¹ of pollutants.	Permits required for feedlots with: (1) Discharges ¹ of pollutants through a manmade conveyance, or (2) Discharges ¹ of pollutants into waters traversing the confined area.

¹ Feedlot not subject to requirement to obtain permit if discharge occurs only in the event of a 25-yr., 24-h., storm event.

NOTE.—All feedlots subject to a case-by-case designation requiring an individual permit.

Basic structure of feedlot program—program promulgated today

Feedlots with 1,000 or more animal units	Feedlots with less than 1,000 but with 300 or more animal units	Feedlots with less than 300 animal units
Permit required for all feedlots with discharges ¹ of pollutants.	Permit required if feedlot— 1. Discharges ¹ pollutants through a manmade conveyance, or 2. Discharges ¹ pollutants into waters passing through or coming into direct contact with animals in the confined area. Feedlots subject to case-by-case designation requiring an individual permit only after onsite inspection and notice to the owner or operator.	No permit required (unless case-by-case designation as provided below). Case-by-case designation only if feedlot— 1. Discharges pollutants through a manmade conveyance, or 2. Discharges pollutants into waters passing through or coming into direct contact with the animals in the confined area; and After onsite inspection, written notice is transmitted to the owner or operator.

¹ Feedlot not subject to requirement to obtain permit if discharge occurs only in the event of a 25-yr., 24-h. storm event.

(1) As seen in the diagram above, a lower level cutoff number has been added. Under the program established today, permits are required from feeding operations with less than 1,000 but with 300 or more animals only for those operations which have discharges of pollutants (a) through a man-made conveyance or (b) directly into navigable waters which pass through the confined area. For operations with less than 300 head, no permit application is required unless there is an onsite inspection of the operation and the owner or operator is notified in writing that such application is required.

(2) As was pointed out by numerous commenters, the statement by Senator Edmund Muskie regarding feedlots covered by the permit program provided

general guidance rather than a definitive statement of criteria. Although the Agency proposed to adopt the numbers suggested by Senator Muskie, the upper level cutoff numbers established in the July 5, 1973, promulgation (38 FR 18000) of feedlot permit requirements are the basis for the upper levels established today. The numbers published in July 1973 and hereby affirmed require permits for operation with more than 1000 beef cattle; 700 dairy cattle, 2,500 swine; 10,000 sheep; 55,000 turkeys; 100,000 chickens (if the operation has continuous overflow watering); 30,000 chickens (if the operation has a liquid manure handling system); 5,000 ducks; and 500 horses. (See 40 CFR §§ 124.11 (h) (1), 125.4(j) (1), 412.10 and 40 FR 54182.) As

pointed out by the commenters the earlier numbers were much better justified by studies and data than were the numbers set forth in Senator Muskie's guidance. Also, maintaining the same upper level numbers will minimize disruption and confusion among those feedlot operators currently subject to the permit program.

(3) For feeding operations with less than 300 animal units, only those operations which (a) have streams passing through the confined area, or (b) have direct discharges to navigable waters will be subject to the possibility of being designated as a concentrated animal feeding operation on a case-by-case basis by a State pollution control Director or the EPA Regional Administrator. No feeding operation with less than 300 animal units will be required to apply for or obtain a permit unless it meets one of the above criteria, and, following an onsite inspection, the owner or operator has been individually notified in writing that a permit application is required.

RESPONSE TO COMMENTS ON THE PROPOSED PROGRAM

Comments received in response to the proposed November 20, 1975, regulations have been entered into the record of the development of these regulations and are available for public inspection at EPA. All comments received have been carefully considered and many have been adopted or substantially satisfied by editorial changes, deletions or additions to the regulations. Several of the major comments and their disposition are discussed below.

1. The definition of "animal feeding operation" [(a) (1)]. Several commenters pointed out that a clarification of this definition was necessary, particularly as to the intent of the vegetation criterion. To accommodate these comments, this part of the definition section has been revised to include post-harvest residues and to make clear that only confined areas which lack vegetation, crops, etc. in every part or portion of the lot or facility are included within the term "animal feeding operation."

Comments were also received concerning the meaning of "an aggregate of 45 days," suggesting that the word "total" be substituted for "aggregate," or that the phrase be changed to read "45 consecutive days." Changes to the number of days were also suggested, specifically to change the number to 30 or 60 days. However, except for the change of the word "aggregate" to "total," meaning that the 45 days are not necessary continuous, no change has been made to the 45 day criterion.

The comments also make clear that it is necessary to reiterate EPA's intent not to require permits from operations without discharges to navigable waters. As stated in the November 20, 1975, proposed regulations:

It must be emphasized that these regulations do not automatically require applications for permits from every owner or operator of a concentrated animal feeding operation point source. Before a permit is required

there must be a "discharge of a pollutant" from the point source into "navigable waters." If there is no discharge from a particular operation which is a point source, there is no need for a permit. * * * [T]he proposed regulations provide that no permit is required for any concentrated animal feeding operation which discharges pollutants only in the event of a 25 year, 24 hour rainfall event. In addition, although there may be a discharge of a pollutant from a point source, no permit is required if such a discharge does not reach navigable waters.

2. The definition of "concentrated animal feeding operation" [(a) (2)]. Many comments were received suggesting that this critical term be clarified in several ways.

(a) One commenter pointed out that the word "concentrated" connotes a large number of animals confined in a relatively small area, and indicated that part of the regulations were inconsistent with this plain meaning of the term. The parts of the definition of "concentrated animal feeding operation" beginning with the words "[w]ithout regard to the numbers * * * of animals confined" present a meaning contrary to the ordinary use of the word "concentrated." In order to eliminate this contradiction, additional cutoff numbers have been added to the definition. These numbers would indicate the size of the animal feeding operations which are not, as a general matter, "concentrated" and, therefore, for which, lacking a specific written determination (following a field inspection; see further below) to the contrary, no permit would be required. This de minimis lower level general cutoff is consistent with the decision in *NRDC v. Train* which states that not every "ditch, water bar or culvert" is "meant to be a point source under the Act [Federal Water Pollution Control Act]" (7 ERC 1881 at 1887).

In addition, in response to comments concerning combinations of animals for confined operations, the term "animal unit" is re-established consistent with the term as used in the July 1973 publication. This term is defined and added to the list of definitions for this section.

(b) Many commenters asked for a definition of "measurable wastes." Because it implied the imposition of costly and time-consuming monitoring requirements, the term "measurable wastes" has been deleted. The more consistent term "pollutants," which is defined in section 502(6) of the Federal Water Pollution Control Act (Public Law 92-500; 33 U.S.C. 1251 et seq; the Act), has been inserted instead.

(c) Many commenters also noted the need to clarify the term "navigable waters." This term is fully explained and interpreted in detail at 40 CFR 125.1(p).

(d) Several commenters suggested that the criterion related to waters which "traverse" the operation be clarified. Accordingly, this criterion has been rewritten without the word "traverse" in order to make clear that this criterion relates to waters which come into contact with the animals confined in the operation.

(e) Three commenters pointed out that the words concerning direct discharge were ambiguous in that wastes may be discharged from an animal feeding operation but may not reach navigable waters. These regulations concern only those discharges of animal wastes that enter navigable waters. Thus for example, if discharges leave the feeding operation but do not reach navigable waters because of filter strips or other waste management techniques, no permit is required.

(f) Some comments were received concerning the cutoff numbers used in the definition. The majority of these comments accepted the numbers and urged that they be adopted. One comment suggested higher numbers and a few comments suggested lower numbers. As discussed in more detail above, however, the numbers established in the previous feedlot regulations, published in July 1973, have been reinstated.

(g) Several comments were received in reference to the provision concerning the 25 year, 24 hour storm event. Half of these comments suggested that a 10 year, 24 hour storm event be substituted for the criterion in the proposed regulations. However, consistent with data used in the development of the July 1973 promulgation indicating that such criterion was rational and feasible for all feedlots with 300 or more animal units, the 25 year, 24 hour storm criterion has been retained.

3. The definition of "man-made" [(a) (3)]. This definition has been amended to reflect four comments recommending a slight expansion of the term.

4. Application for a permit [(b) (1) and (2)]. Comments were received indicating that the time period between the application date of March 10, 1977, and the implementation deadline in the Act of July 1, 1977, was inadequate to enable owners and operators to construct pollution control devices. In order to alleviate this problem, the deadline for permit applications has been changed to September 1, 1976. This shortened deadline will not be unduly burdensome because the Short Form B on which the permit applications are to be filed is very brief. (The application fee for the Short Form B is \$10). The earlier deadline also provides for more time to comply with the procedural elements of permit issuance, including notice and opportunity for a hearing.

5. Case-by-case designation [(c)]. Several commenters pointed out a need to specify the criteria listed in this section and to narrow the discretion of the Director or Regional Administrator to designate an animal feeding operation as concentrated and therefore requiring a permit. This section was included in the regulations to provide for flexibility in State pollution control programs which was urged by scores of participants in the public meetings held on this subject. To further define the criteria would defeat the purpose of this provision to provide for site-specific determinations.

However, it is intended that the Director or Regional Administrator should exercise their discretion with respect to facilities having pollution potential. Thus, for operations smaller than 300 animal units only those which (a) have streams passing through the confined area or (b) have direct discharges to navigable waters are subject to this case-by-case designation.

In exercising his discretion, the Director or Regional Administrator will designate a concentrated animal feeding operation only after an onsite inspection and determination that the operation should and could be regulated under the permit program. In addition, before an application is required, the owner or operator of the feedlot will be notified of the application requirement. As with past experience, it is anticipated that the Director or Regional Administrator would exercise this discretion only in exceptional cases.

It bears repeating that owners or operators of point sources are not required to apply for and obtain pollution discharge permits if there is no discharge of pollutants from such point sources into navigable waters. Thus, totally enclosed systems, such as many poultry operations, without discharges into navigable waters are not subject to the permit requirements regardless of their size. Also, no permits would be required from owners or operators of operations which recycle all pollutants to the land, or which absorb all animal wastes in filter strips or otherwise prevent such wastes from reaching navigable waters. Thus, any feedlot owner or operator who uses alternate management techniques and prevents all discharges from reaching navigable waters would not have to obtain a permit.

Because of the importance of promptly making known to other Federal Agencies, States, dischargers, environmentalists and other interested persons the content of these regulations and because of the need to implement this program promptly, the Administrator finds good cause to declare these regulations effective immediately upon publication.

No Inflationary Impact Statement is required by Executive Order 11821 for these regulations since the economic effects will not exceed the criteria established by EPA and approved by the Office of Management and Budget for the preparation of such statements.

Dated: March 10, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 124 of Title 40 of the Code of Federal Regulations, setting forth State program elements necessary for participation in the National Pollutant Discharge Elimination System, is amended as follows:

Subpart A—General

§ 124.1 [Amended]

1. Section 124.1 is amended by deleting subsection (u) and by relettering subsection (v) to (u).

Subpart B—Prohibition of Discharges of Pollutants**§ 124.11 [Amended]**

2. Paragraph (h) of § 124.11 is amended by deleting paragraphs (h) (1) and (2); by renumbering paragraphs (h) (3), (4), and (5) to (h) (2), (3), and (4) respectively; and by adding a new paragraph (h) (1) as follows: "(1) Discharges from concentrated animal feeding operations as defined in § 124.82(a) (2)."

Subpart I—Disposal of Pollutants Into Wells**§ 124.80 Redesignated 124.81.**

3. Subpart I of Part 124 is amended by deleting the title "Disposal of Pollutants into Wells" and by adding a new title "Special Programs," and by renumbering § 124.80 to 124.81.

4. Subpart I of Part 124 is amended by adding a new § 124.82, Concentrated Animal Feeding Operations, as follows:

§ 124.82 Concentrated Animal Feeding Operations.**(a) Definitions.**

For the purpose of this section:

(1) The term "animal feeding operation" means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

(i) Animals have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and

(ii) Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Two or more animal feeding operations under common ownership are deemed to be a single animal feeding operation if they are adjacent to each other or if they utilize a common area or system for the disposal of wastes.

(2) The term "concentrated animal feeding operation" means an animal feeding operation which meets the criteria set forth in either (a) (2) (i) or (ii) below:

(i) More than the numbers of animals specified in any of the following categories are confined:

(a) 1,000 slaughter and feeder cattle,
(b) 700 mature dairy cattle (whether milked or dry cows),
(c) 2,500 swine weighing over 55 pounds,

(d) 500 horses,
(e) 10,000 sheep or lambs,
(f) 55,000 turkeys,
(g) 100,000 laying hens or broilers (if the facility has continuous overflow watering),

(h) 30,000 laying hens or broilers (if the facility has a liquid manure handling system),

(i) 5,000 ducks, or
(j) 1,000 animal units; or
(ii) More than the following numbers and types of animals are confined:

(a) 300 slaughter or feeder cattle,

(b) 200 mature dairy cattle (whether milked or dry cows),

(c) 750 swine weighing over 55 pounds,

(d) 150 horses,

(e) 3,000 sheep,

(f) 16,500 turkeys,

(g) 30,000 laying hens or broilers (if the facility has continuous overflow watering),

(h) 9,000 laying hens or broilers (if the facility has a liquid manure handling system),

(i) 1,500 ducks, or

(j) 300 animal units;

and either one of the following conditions are met:

(k) Pollutants are discharged into navigable waters through a man-made ditch, flushing system or other similar man-made device; or

(l) pollutants are discharged directly into navigable waters which originate outside of and pass over, across, through or otherwise come into direct contact with the animals confined in the operation.

Provided, however, that no animal feeding operation is a concentrated animal feeding operation as defined above if such animal feeding operation discharges only in the event of a 25 year, 24 hour storm event.

(3) The term "animal unit" means a unit of measurement for any animal feeding operation calculated by adding the followings numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(4) The term "man-made" means constructed by man and used for the purpose of transporting wastes.

(b) Application for Permit. (1) Any person discharging or proposing to discharge pollutants from a concentrated animal feeding operation, who has not already done so, shall file an application with the Director by September 1, 1976.

(2) (i) Each application must be filed on a Short Form B and completed in accordance with the instructions provided with such form.

(ii) In addition to the information required in the Short Form B the Director may require any applicant to submit such other appropriate information as the Director deems necessary to proceed with the issuance of the permit.

(c) Case-by-case Designation of Concentrated Animal Feeding Operations. Notwithstanding any other provision of this section, the Director or the Regional Administrator may designate as a concentrated animal feeding operation any animal feeding operation not otherwise falling within the definition provided in § 124.82(a) (2) above. In making such designation the Director or the Regional Administrator shall consider the following factors:

(1) The size of the animal feeding operation and the amount of wastes reaching navigable waters;

(2) The location of the animal feeding operation relative to navigable waters;

(3) The means of conveyance of animal wastes and process waste waters into navigable waters;

(4) The slope, vegetation, rainfall, and other factors relative to the likelihood or frequency of discharge of animal wastes and process waste waters into navigable waters; and

(5) Other such factors relative to the significance of the pollution problem sought to be regulated.

Provided, however, that no animal feeding operation with less than the numbers of animals set forth in (a) (2) (ii) above shall be designated as a concentrated animal feeding operation unless such animal feeding operation meets either of the following conditions:

(6) Pollutants are discharged into navigable waters through a man-made ditch, flushing system or other similar man-made device; or

(7) Pollutants are discharged directly into navigable waters which originate outside of and pass over, across, through or otherwise come into direct contact with the animals confined in the operation.

In no case shall a permit application be required from a concentrated animal feeding operation designated pursuant to this section until there has been an onsite inspection of the operation and a determination that the operation should and could be regulated under the permit program. In addition, no application shall be required from an owner or operator of a concentrated animal feeding operation designated pursuant to this section unless such owner or operator is notified in writing of the requirement to apply for a permit.

Part 125 of Title 40 of the Code of Federal Regulations, setting forth policies and procedures for the Environmental Protection Agency's administration of its role in the National Pollutant Discharge Elimination System, is amended as follows:

Subpart A—General**§ 125.1 [Amended]**

1. Section 125.1 is amended by deleting paragraph (ii) and by relettering paragraph (jj) to (ii).

§ 125.4 [Amended]

2. Paragraph (j) of § 125.4 is amended by deleting paragraphs (1) and (2); by renumbering paragraphs (3), (4), and (5) to (2), (3), and (4) respectively; and by adding a new paragraph (1) as follows: "(1) Discharges from concentrated animal feeding operations as defined in section 125.51(a) (2)."

Subpart F—Special Programs

3. Part 125 is amended by adding a new Subpart F, Special Programs, and § 125.51 to read as follows:

§ 125.51 Concentrated Animal Feeding Operations.

(a) Definitions.

For the purpose of this subpart:

(1) The term "animal feeding operation" means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

(i) Animals have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and

(ii) Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Two or more animal feeding operations under common ownership are deemed to be a single animal feeding operation if they are adjacent to each other or if they utilize a common area or system for the disposal of wastes.

(2) The term "concentrated animal feeding operation," means an animal feeding operation which meets the criteria set forth in either (i) or (ii) below:

(i) More than the numbers of animals specified in any of the following categories are confined:

(a) 1,000 slaughter and feeder cattle,

(b) 700 mature dairy cattle (whether milked or dry cows),

(c) 2,500 swine weighing over 55 pounds,

(d) 500 horses,

(e) 10,000 sheep or lambs,

(f) 55,000 turkeys,

(g) 100,000 laying hens or broilers (if the facility has continuous overflow watering),

(h) 30,000 laying hens or broilers (if the facility has a liquid manure handling system),

(i) 5,000 ducks, or

(j) 1,000 animal units; or

(ii) More than the following numbers and types of animals are confined:

(a) 300 slaughter or feeder cattle,

(b) 200 mature dairy cattle (whether milked or dry cows),

(c) 750 swine weighing over 55 pounds,

(d) 150 horses,

(e) 3,000 sheep,

(f) 16,500 turkeys,

(g) 30,000 laying hens or broilers (if the facility has continuous overflow watering),

(h) 9,000 laying hens or broilers (if the facility has a liquid manure handling system),

(i) 1,500 ducks, or

(j) 300 animal units;

and either one of the following conditions are met:

(k) Pollutants are discharged into navigable waters through a man-made ditch, flushing system or other similar man-made device; or

(l) Pollutants are discharged directly into navigable waters which originate outside of and pass over, across, through or otherwise come into direct contact with the animals confined in the operation.

Provided, however, that no animal feeding operation is a concentrated animal feeding operation as defined above if such animal feeding operation discharges only in the event of a 25 year, 24 hour storm event.

(3) The term "animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(4) The term "man-made" means constructed by man and used for the purpose of transporting wastes.

(b) Application for Permit. (1) Any person discharging or proposing to discharge pollutants from a concentrated animal feeding operation, who has not already done so, shall file an application with the Regional Administrator by September 1, 1976.

(2) (i) Each application must be filed on a Short Form B and completed in accordance with the instructions provided with such form.

(ii) In addition to the information required in the Short Form B the Regional Administrator may require any applicant to submit such other appropriate information as the Regional Administrator deems necessary to proceed with the issuance of the permit.

(c) Case-by-case Designation of Concentrated Animal Feeding Operations. Notwithstanding any other provision of

this section, the Director or the Regional Administrator may designate as a concentrated animal feeding operation any animal feeding operation not otherwise falling within the definition provided in § 125.51(a)(2) above. In making such designation the Director or Regional Administrator shall consider the following factors:

(1) The size of the animal feeding operation and the amount of wastes reaching navigable waters;

(2) The location of the animal feeding operation relative to navigable waters;

(3) The means of conveyance of animal wastes and process waste waters into navigable waters;

(4) The slope, vegetation, rainfall, and other factors relative to the likelihood or frequency of discharge of animal wastes and process waste waters into navigable waters; and

(5) Other such factors relative to the significance of the pollution problem sought to be regulated.

Provided, however, that no animal feeding operation with less than the numbers of animals set forth in (a)(2)(i) above shall be designated as a concentrated animal feeding operation unless such animal feeding operation meets either of the following conditions:

(6) Pollutants are discharged into navigable waters through a man-made ditch, flushing system or other similar man-made device; or

(7) Pollutants are discharged directly into navigable waters which originate outside of and pass over, across, through or otherwise come into direct contact with the animals confined in the operation.

In no case shall a permit application be required from a concentrated animal feeding operation designated pursuant to this section until there has been an on-site inspection of the operation and a determination that the operation should and could be regulated under the permit program. In addition, no application shall be required from an owner or operator of a concentrated animal feeding operation designated pursuant to this section unless such owner or operator is notified in writing of the requirement to apply for a permit.

[FR Doc.76-7664 Filed 3-17-76; 8:45 am]



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